

## **TITLE 3: HEALTH AND SANITATION AND ANIMAL REGULATIONS**

### **DIVISION 3: ENVIRONMENTAL HEALTH**

#### **Chapter 8: Waste Management.**

##### **Sections:**

##### **Article 1: Refuse Storage**

- 33.0801 Statement of Purpose and Authority.
- 33.0802 Definitions.
- 33.0803 Storage of Refuse.
- 33.0804 Refuse Removal.
- 33.0805 Refuse Collection Frequency.
- 33.0806 Residential Refuse Containers and Collection Standards.
- 33.0807 Commercial Refuse Containers.
- 33.0808 Placement of Refuse Containers.
- 33.0809 Bulky and Prohibited Wastes.
- 33.0810 (Reserved)
- 33.0811 Administration, Enforcement, Remedies, and Penalties.
- 33.0812-0819 (Reserved)

##### **Article 2: Refuse Collection**

- 33.0820 (Reserved)
- 33.0821 Statement of Purpose and Authority.
- 33.0822 Definitions.
- 33.0823 Health and Safety Permits.
- 33.0824 Exceptions.
- 33.0825 Application for a Permit or Renewal of a Permit.
- 33.0826 Issuance, Suspension, and Revocation of Permits; Change of Ownership
- 33.0827 Causes and Procedures for Denial, Denial of Renewal, Revocation, and Suspension of Permits.
- 33.0828 Renewal of Permits.
- 33.0829 Permit Fees and Charges for Service.
- 33.0830 Vehicle Specifications.
- 33.0831 Equipment Required.
- 33.0832 Records Required.
- 33.0833 Requirements of Permittee.
- 33.0834 Office for Inquiries and Complaints.
- 33.0835 Administration, Enforcement, Remedies, and Penalties.
- 33.0836-0839 (Reserved)

##### **Article 2.1: Class A Permits**

- 33.0840 Statement of Purpose and Authority.
- 33.0841 Definitions.
- 33.0842 Permits.
- 33.0843 Exemptions.
- 33.0844 Refuse Collection Areas.
- 33.0845 Application/Renewal of Permit.
- 33.0846 Issuance, Renewal, Suspension, Transfer and Revocation of Permits.
- 33.0847 Procedure for Denial, Denial of Renewal, Revocation and Suspension of Permits.
- 33.0848 Specification of Permit Areas.
- 33.0849 Renewal of Permits.
- 33.0849A New Applicants.
- 33.0849B Permit Fees and Charge for Services.
- 33.0849C Records Required.
- 33.0849D Hours of Collection.
- 33.0849E Office for Inquiries and Complaints.
- 33.0849F Administration, Enforcement, Remedies and Penalties.

##### **Article 3: Liquid Waste (Sanitary) Pumpers**

- 33.0850 Purpose and Authority.
- 33.0851 Definitions.
- 33.0852 Permits and Hearing Procedures.
- 33.0853 Application for Permits.
- 33.0854 Issuance of Permits.
- 33.0855 Indemnification and Insurance.
- 33.0856 Renewal of Permits.
- 33.0857 Denial, Denial of Renewal, Revocation, and Suspension of Permits.
- 33.0858 Nontransferability of Permits and Change of Address.

- 33.0859 Records and Reports.
- 33.0860 Disposal of Sanitary Wastes.
- 33.0861 Required Health and Safety Equipment.
- 33.0862 Cleanliness and Markings for Vehicles.
- 33.0863 Sanitary Wastes, Hazardous and/or Toxic Wastes and Materials.
- 33.0864 Administration, Enforcement, Remedies and Penalties.
- 33.0865 Portable Toilets.

**Article 4: Sewage Holding Tanks**

- 33.0810 Purpose and Authority.
- 33.0871 Definitions.
- 33.0872 Use of Sewage Holding Tanks Restricted. Permits Required.
- 33.0873 Conditions for Construction and Operational Permits.
- 33.0874 Required Agreements with District or Sewering Entity.
- 33.0875 Required Agreements with Property Owners.
- 33.0876 Bonds.
- 33.0877 Standards.
- 33.0878 Contract with Septic Tank Pumper.
- 33.0879 Abandonment of Sewage Holding Tanks.
- 33.0880 Violations, Remedies, and Penalties.
- 33.0881-0889 (Reserved)

**Article 5: Liquid Waste Disposal**

- 33.0890 Purpose and Authority.
- 33.0891 Definitions.
- 33.0892 Approved Liquid Waste Disposal Systems.
- 33.0893 Permits for Alternative Liquid Waste Disposal Systems.
- 33.0894 Liquid Waste Disposal System Location Requirements.
- 33.0895 Mountain Areas.
- 33.0896 Soil Testing Requirements.
- 33.0897 Soil Testing Administration.
- 33.0898 Revocation by DEHS of Testing Privileges.
- 33.0899 Administration, Enforcement, Remedies, and Penalties.

**Article 6: Designated Maintenance Areas**

- 33.08100 Purpose and Authority.
- 33.08101 Definitions.
- 33.08102 Designated Maintenance Areas.
- 33.08103 Persons Authorized to Certify Compliance.
- 33.08104 Revocation of DEHS Authorization to Perform Certifications.
- 33.08105 Minimum Requirements.
- 33.08106 Permits Required.
- 33.08107 Holding Tanks.
- 33.08108 Administration, Enforcement, Remedies, and Penalties.
- 33.08109 Expiration Unless Extended by the Board.
- 33.08110 Extension of Permit Requirement.
- 33.08111-08119 (Reserved)

**Article 7: Operation of Multiple Ownership Septic Systems**

- 33.08120 Purpose.
- 33.08121 Authority.
- 33.08122 Definitions.
- 33.08123 Ownership and Control.
- 33.08124 Conditions, Covenants, and Restrictions (C.C.&R.'s).
- 33.08125 Types of Permits.
- 33.08126 Requirements for DEHS Permits.
- 33.08127 Existing DEHS Operating Permits.
- 33.08128 Public Sewering Entity.
- 33.08129 DEHS Contracted Services.
- 33.08130 Placement of Utilities.
- 33.08131 Compliance Procedures, Remedies, and Penalties.
- 33.08132-08140 (Reserved)

**Article 8: Storage of Manure and Commercial Fertilizer Operations (CFO)**

- 33.08141 Statement of Purpose and Authority.
- 33.08142 Definitions.
- 33.08143 Prohibition of Manure Storage Upon the Premises Where Manure is Produced.

- 33.08144 Permits Required for CFO.
- 33.08145 Enforcement Activities.
- 33.08146 Construction and Operational Requirements.
- 33.08147 Administration, Enforcement, Remedies, and Penalties.

**Article 9: Out-Of-County Refuse**

- 33.08150 Findings and Determinations.
- 33.08151 Discharge of Out-of-County Refuse.
- 33.08152 Posting of Restriction.
- 33.08153 Penalty.

**Article 9.5**

- 33.08155 Prohibition on Acceptance at or Delivery of Waste or Related Material to an Unauthorized Facility; Definitions; Application of Prohibition.
- 33.08156 Authority.
- 33.08157 Penalty
- 33.08158 Severability.

**Article 10**

- 33.08160 Reverse Vending Machines (RVM) Purpose and Authority.
- 33.08161 Definitions.
- 33.08162 Permits Required for RVM.
- 33.08163 Installation and Operation Requirements.
- 33.08164 Administration, Enforcement, Remedies, and Penalties.
- 33.08165-33.08169 (Reserved).

**Article 11: Landspreading of Sludge**

- 33.08170 Purpose.
- 33.08171 Definitions.
- 33.08172 Approvals.
- 33.08173 Filing for Department Approval.
- 33.08174 Application Form.
- 33.08175 Standards.
- 33.08176 Substitute Standards.
- 33.08177 Violations, Remedies, and Penalties.
- 33.08178 (Reserved.)
- 33.08179 (Reserved.)
- 33.08180 Purpose and Authority
- 33.08181 Legal Defense Fee Responsibility

**Article 1: REFUSE STORAGE**

**33.0801 Statement of Purpose and Authority.**

The purpose of this Article is to establish minimum standards for the storage of nonhazardous wastes within the unincorporated area of the County of San Bernardino.

Pursuant to the authority cited in Chapter 1 of Division 3, Title 3, of the San Bernardino County Code, Public Resources Code (PRC) Division 30, Part 1, Chapter 1, Section 40059, California Code of Regulations Title 14, Section 17200; and other applicable State law, the Department of Public Health, Division of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this article within the unincorporated area of the County of San Bernardino.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

**33.0802 Definitions.**

Definitions herein shall supplement all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code:

(a) "Barrel; means a container which may or may not be provided by a Refuse Collection Operator for residential refuse collection.

(b) ""Commercial Bins" means a type of container provided by the Refuse Collection Operator to commercial, industrial and multi-family dwelling customers for Refuse storage and collection purposes and which is emptied by the Refuse Collection Operator by means of a front-loading mechanism into the refuse vehicle.

(c) "Residential Bins" means a container provided by the Refuse Collection Operator to a single-family dwelling customer for Refuse storage and collection purposes and which is emptied by the Refuse Collection Operator by means of a front-loading mechanism into the refuse vehicle.

(d) "Roll-Off Boxes" or "Drop Off Boxes" shall mean a large, open-topped, detachable container, twenty (20) cubic yards or more in capacity, employed in a system of materials handling in which the loaded container is pulled onto the collection vehicle mechanically and transported to an approved site for emptying.

(e) "Bulky Wastes" include large items of Solid Waste such as appliances, furniture, trees, branches, stumps and other oversized wastes whose large size precludes or complicates their handling by normal collection, processing or disposal methods.

(f) "Collection Vehicle or Equipment" includes any vehicle or equipment used in the collection of residential, industrial or commercial waste.

(g) "Construction and Demolition Wastes" include the nonhazardous waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

(h) "Domestic Waste" includes all refuse which does not fall under the definition of "nondomestic waste".

(i) "Garbage" includes all kitchen and table food waste, animal waste, vegetable waste and all household waste or residue resulting from the storage, preparation, cooking, handling, or treatment of food and shall also include putrescible wastes.

(j) "Garbage Hauler" shall mean any person or entity who collects garbage, unmixed with rubbish, and transports it to a commercial garbage-feeding hog ranch or to a commercial establishment for processing for use in livestock feeding.

(k) "Health and Safety Permit" shall mean that permit which is issued by the Division of Environmental Health Services to all Refuse Collection Operators, Garbage Haulers and/or nondomestic Waste Haulers that operate within the incorporated and/or unincorporated areas of San Bernardino County.

(l) "Nondomestic Wastes" shall include wastes which may be solid, semisolid, slurries, dust, nonpetroleum oils, and related substances or combinations thereof, which constitute a potentially dangerous health or environmental risk to residents of the County of San Bernardino. Nondomestic wastes may be determined as such by DEHS upon finding that special transportation requirements are necessary due to the nature of the material, the intended disposal method, or the intended end use. Said term shall not include any wastes classed as infectious, toxic or hazardous by State or Federal Statute.

(m) "Nondomestic Waste Hauler" shall mean a person or entity involved in removing Nondomestic Wastes, either from their own property or from another's property.

(n) "Permittee" means any person who has been issued a Health and Safety Permit to collect, transfer, or remove solid wastes under the provisions of this ordinance. A permittee may include refuse collection operators, garbage haulers and/or nondomestic waste haulers.

(o) "Prohibited Wastes" include dead animals exceeding fifteen (15) pounds in weight, battery acid, poisonous, caustic or toxic material, or other substances capable of damaging clothing or causing injury to the person and dangerous or destructive chemicals.

(p) "Putrescible Wastes" include wastes that are capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions.

(q) "Refuse" means all solid waste as defined in Public Resources Code section 40191.

(r) "Refuse Collection Operator" shall mean any person or entity engaged in the collection, transportation and removal of refuse, except that it shall not mean a garbage hauler.

(s) "Rubbish" includes, but is not restricted to, all nonputrescible solid waste or debris such as paper, ashes, cardboard, wood, clothing, yard clippings, metal, plastic, construction waste and debris litter and other similar materials.

(t) "Solid Waste" shall be as defined in Public Resources Code section 40191 as presently enacted or as it may be later amended.

(u) "Solid Waste Facility" shall be as defined in Public Resources Code section 40194 as presently enacted or as later amended.

(v) "Solid Waste Handling" shall be as defined by Public Resources Code section 40195 as presently enacted or as later amended.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

### **33.0803 Storage of Refuse.**

All Refuse generated on a property or premises shall be stored in appropriate containers and in a manner which does not promote the propagation, harborage, or attraction of vectors, or the creation of nuisances. Each owner, operator or occupant shall provide sufficient numbers of suitable Refuse containers to contain, without overflowing, all Refuse generated between Refuse removal dates.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

### **33.0804 Refuse Removal,**

Refuse removal shall be in accordance with the following, unless modified in Section 33.0805, below:

(a) All owners, operators, or occupants of any residence, premises, business establishment or industry shall be responsible for the satisfactory removal of all Refuse accumulated on their property or premises. No Refuse shall be allowed to remain on the premises for longer than the periods specified in Section 33.0805 below, except when:

- (1) disruptions due to strikes occur, or
- (2) severe weather conditions or natural disasters such as earthquakes or fires make collection impossible using normal collection equipment, or
- (3) official holidays interrupt the normal seven day collection cycle in which case collection may be postponed until the next working day.

(b) The Refuse Collection Operator is responsible for picking up any spillage that may be caused during collection. This shall not include spillage caused by animals, vandals, wind or other such causes.

Adopted Ordinance #2854 (1984); Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

### **33.0805 Refuse Collection Frequency.**

(a) All waste which contains Garbage produced or accumulated in or about a residence shall be removed from the premises at least once each seven (7) day period to an approved Solid Waste Facility.

(b) All waste which contains Garbage produced or accumulated in or about hotels, food establishments, or other businesses shall be removed from the premises at least twice each seven (7) day period to an approved Solid Waste Facility.

(c) All Rubbish, which does not contain Garbage, produced or accumulated in or about any premises shall be removed from the premises at least once every fourteen (14) days.

(d) DEHS may require an increase in collection frequency upon finding that an unhealthful, unsightly, or public nuisance condition is created by adhering to the minimum collection frequency.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

### **33.0806 Residential Refuse Containers and Collection Standards.**

Containers used for storage of Refuse until collection and/or transportation to an approved Solid Waste Facility shall comply with the following:

(a) Refuse containers shall be made of a durable, nonabsorbent material and shall be watertight with a tight-fitting lid or cover, except as provided for in this Article.

(b) The user of any Refuse container shall ensure that lids are kept tightly attached so as to completely close off the container and to keep such containers in a clean condition without excessive build-up of clinging, sticky, or encrusted wastes in or on the container.

(c) All Refuse containers which must be manually emptied by a Permittee shall have a gross filled weight not to exceed fifty-five (55)pounds and a maximum capacity not to exceed thirty-two (32)gallons.

(d) A container for Refuse that does not meet the standards of Subsections (a)-(c) above, is substandard and shall not be used for residential refuse collection. Substandard containers shall be adequately repaired before being put back into service or shall be replaced.

(e) Tree trimmings shall be tied in bundles of not more than four (4) feet in length and shall not exceed fifty (50) pounds in weight; cardboard boxes shall be flattened and tied in bundles not exceeding four (4) feet in length nor fifty (50) pounds in weight.

(f) Plastic bags used for Refuse collection shall be of sufficient strength and water tightness to contain the Refuse.

(g) Refuse containers of 1 cubic yard or more owned by the refuse collection operator shall be identified with the name and telephone number of the company servicing the container.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

### **33.0807 Commercial Refuse Containers.**

Refuse containers provided to commercial customers by a Permittee for storage and collection purposes shall comply with the requirements for Residential Refuse Containers in Section 33.0806 above, as well as the following applicable standards:

(a) Roll-Off Boxes shall be identified with the name of the Permittee, and uniquely identified with a box number to aid in locating boxes which require maintenance. It shall be the responsibility of the Permittee to keep all boxes painted and maintained.

(b) Roll-Off Boxes are exempted from the provision for a tight-fitting lid or cover, provided any Putrescible Wastes is fully contained in closed plastic bags or equivalent and such Roll-Off Boxes are covered or otherwise secured to prevent the blowing out, or other loss, of the contents whether such boxes are moving or stationary.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

**33.0808 Placement of Refuse Containers.**

Placement of Refuse containers shall be in accordance with the following:

(a) Refuse containers for residential pick-up service shall be placed in a convenient and accessible location adjacent to a street or public thoroughfare for not more than twelve (12) hours prior to scheduled pick-up and shall be removed within twenty-four (24) hours after pick-up. Other locations shall be subject to approval by the Permittee and DEHS.

(b) At all other times Refuse containers shall be stored away from the street and in such a manner as to minimize creating an environmental or public health nuisance.

(c) At no time shall a Refuse container be placed in such a manner as to create a traffic problem or hazard to the public health, safety, or welfare.

(d) All Residential Bins shall be located upon the customer's property in a manner that minimizes traffic, safety, aesthetic, and other problems. If a suitable location can not be arranged, DEHS may determine that the Permittee cannot provide bin service at the residence and shall instead provide Barrel service.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

**33.0809 Bulky and Prohibited Wastes.**

(a) Bulky wastes shall not be set out for collection without having made prior arrangements with the Refuse Collection Operator for pickup of the waste.

(b) No prohibited wastes shall be mixed or placed with any Rubbish or Garbage which is to be collected, removed or disposed of by the Refuse Collection Operator.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

**33.0810 (Reserved)**

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

**33.0811 Administration, Enforcement, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement procedures, remedies and penalties as to this Article shall proceed as is set forth in Chapters 1, 2, and 3 of Division 3, Title 3 of the San Bernardino County Code and otherwise as provided by law.

Renumbered and restated Ordinance #3105 (1986); Amended Ordinance #3671 (1996);

**33.0812-0819 (Reserved)**

Ordinance #3671 (1996)

**Article 2: REFUSE COLLECTION**

**33.0820 (Reserved)**

**33.0821 Statement of Purpose and Authority.**

The purpose of this Article is to protect the health and safety of the community through the establishment of minimum health and safety standards for the collection and transportation of Solid Waste within the County of San Bernardino.

Pursuant to the authority cited in Chapter 1 of Title 3, Division 3 of the San Bernardino County Code, Public Resources Code, Division 30, Part 4, Chapter 2, Sections 43200 and 43209, and other applicable State law, the Board of Supervisors authorizes the Department of Public Health, Division of Environmental Health Services (DEHS) as the Local Enforcement Agency (LEA) of the County of San Bernardino to enforce and administer the provisions of this Article within the County of San Bernardino.

Amended Ordinance #3671 (1996);

### **33.0822 Definitions.**

Definitions provided in Article 1 of this Chapter as well as all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code shall apply to this Article.

Amended Ordinance #3551 (1993); Amended Ordinance #3671 (1996);

### **33.0823 Health and Safety Permits.**

(a) Except for those persons exempt from the permit requirement pursuant to Section 33.0824 of this Article, it shall be unlawful for a person or entity to operate a Refuse collection or transportation activity, Garbage hauling activity or Nondomestic Waste hauling activity within the incorporated or unincorporated areas of the County without possessing the current Health and Safety Permit to do so issued by the Department of Public Health, Division of Environmental Health Services (DEHS) and having paid fees to DEHS, as set forth in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code. Possession of such a permit does not excuse or substitute for compliance with other laws or regulations applying to Solid Waste Handling operations, including, without limitation, Division 6 of Title 4 of the San Bernardino County Code.

(b) Any refuse hauler who, at the effective date of this subsection, has an existing A, B, or D permit shall also be considered to have a Health and Safety Permit effective until December 31, 1996.

Amended Ordinance 3651 (1996); Amended Ordinance #3671 (1996);

### **33.0824 Exceptions.**

Excepted from the requirements of Section 33.0823 are:

- (a) Those hauling Domestic Waste generated upon their own property, residence or business.
- (b) Those hauling segregated Rubbish composed of ashes, abandoned vehicles and parts thereof, discarded home and industrial appliances, Construction and Demolition Wastes, or recyclable materials, including green waste.
- (c) Clean up crews, landscapers and yard maintenance services who physically gather, collect and remove rubbish only. This does not include merely providing a Refuse container without providing the additional service of gathering materials and placing them in the container.
- (d) DEHS may elect to except haulers of other segregated rubbish on a case-by-case basis upon submittal of the permit application required in Section 33.0825

Amended Ordinance #3671 (1996);

### **33.0825 Application for a Permit or Renewal of a Permit.**

Applications for a Health and Safety Permit to collect, transfer, or remove Refuse, Garbage or Nondomestic Wastes shall be made to DEHS upon forms provided by DEHS, shall be accompanied by an application fee, and shall contain the following information:

- (a) The name, business address, permanent home address, business and 24-hour emergency phone number(s) of the applicant.
- (b) The owner(s) of the Garbage hauling, Nondomestic Waste hauling or Refuse collection and transportation operation. If a joint venture, partnership, or limited partnership, the name of all participants and/or partners. If a corporation or limited liability company, the name of each officer and manager, the nature of their office or participation, and the name and address of the agent for the service of process.
- (c) The location of all proposed facilities that will be used.
- (d) Trade and firm names under which the applicant operates.
- (e) Proof that the applicant owns or controls adequate Collection Vehicles and other necessary equipment in good mechanical condition to adequately conduct the proposed refuse collection and transportation business. The applicant shall provide a list of the number and types of vehicles to be used in the collection and/or transportation of refuse.
- (f) Proof that the applicant owns or has access to suitable facilities for maintaining the Collection Vehicles and other necessary equipment in a clean and sanitary condition. Applicant shall also provide adequate off-road parking for the Refuse vehicles.
- (g) Proof that the applicant's Refuse, Garbage or Nondomestic Waste Collection Vehicles and Equipment conform to all applicable provisions of this Article.
- (h) A list of the types of materials the applicant proposes to collect/transport.
- (i) Proof that the applicant possesses the necessary insurance policies which, at minimum, comply with the requirements of this Article.
- (j) Indemnification. Separate and distinct from the insurance provisions required by this Division, each Permittee shall appear and defend (with counsel approved by County) all actions against the Department and the County, and the Permittee agrees to defend, indemnify, and hold the County and/or its officers, agents, volunteers and employees harmless from and against, any and all claims and demands, causes of action of every kind and description, damages, liabilities, costs or expenses for any damages or injuries to any person or property,

including, but not limited to, injury to Permittee's officers, agents, or employees which arise directly or indirectly from or are connected with or are caused or claimed to be caused by acts, errors or omissions of Permittee, or its officers, agents, or employees, in exercising its rights or in performing its duties under its permit or under this Division, and all costs and expenses of investigating and defending against same; except to the extent such indemnification is prohibited by law.

(k) Insurance. The Permittee shall obtain and keep in force during the term of said permit, comprehensive general and vehicular liability insurance of at least one million dollars (\$1,000,000.00) combined single limits for bodily injury and property damage, and a program of Workers' Compensation Insurance or a state-approved Self-Insured Workers' Compensation Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California including employer's liability with two hundred fifty thousand dollar (\$250,000.00) limits covering all employees of the Permittee. The County of San Bernardino shall be named as an additional insured on all policies except Workers' Compensation and all policies shall contain a provision requiring written notice to be given to DEHS prior to cancellation, modification, or reduction of limits. A Permittee shall furnish DEHS, prior to expiration or termination of the period covered by premium payment when renewal is automatic, evidence of renewal and of full payment of the premium on required insurance coverage. Nonreceipt by DEHS of this information shall result in the insurance policy being considered to be expired and justification for the suspension, revocation or cancellation of the permit in the manner set forth in this Article and Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code.

INSURANCE REVIEW. The above insurance requirements are subject to periodic review by the County. The Risk Manager of the County of San Bernardino is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

(l) Permittee shall not be required to maintain separate policies of insurance for any type of insurance required under this Section, any other section of this Chapter or under Division 6 of Title 4 of this Code. However, the Permittee must maintain the level of insurance which is the higher of that required in this Chapter or Division 6 of Title 4 of this Code and must obtain and maintain insurance coverage which satisfies all of the provisions of this Chapter and Division 6 of Title 4 of this Code, including without limit, providing certificates of insurance to all specified Departments of the County and requiring notification of the cancellation or termination of any insurance policy be given by the insurance company to all specified Departments of the County.

(m) The application called for in this section may be combined with the application called for in Section 33.0845 dealing with Class A Permits, if the applicant is required to obtain or renew a Class A Permit at the same time as it is required to submit an application under this section ("Joint Application"). Such Joint Application must satisfy all of the requirements of both this section and Section 33.0845. In the event the applicant chooses to submit a Joint Application, applicant shall give DEHS one duplicate original of the Joint Application. DEHS shall take all actions with respect to the issuance or renewal of the Health and Safety Permit sought in the Joint Application, to the same effect as if the applicant had submitted an application solely under this Section 33.0825.

Amended Ordinance #3671 (1996);

### **33.0826 Issuance, Suspension, and Revocation of Permits; Change of Ownership**

(a) Issuance. Where DEHS finds that the statements in the application are true and that the applicant is reasonably capable of complying with the provisions of this Article, DEHS shall issue a Health and Safety Permit for Refuse collection, including the removal of Garbage and Nondomestic Wastes; for Garbage Hauling only; or for Nondomestic Wastes only.

(b) Suspension and Revocation. Where DEHS determines that any Permittee has not complied with the provisions of this Article and all other applicable statutes, ordinances, rules and regulations, the permit may be suspended or revoked in accordance with Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code

(c) Statement of Ownership. The Permittee shall file a true and correct statement of ownership with DEHS at the time of permit renewal each year under penalty of perjury. A notice of change in ownership in the operating company or of the business operating under the permit shall be submitted in writing to DEHS before a permit will be issued to the new owners.

(d) Transfer of Permit. A Permittee shall not lease, sublet, subcontract, or in any manner allow any other person or entity to engage in Refuse collection and transportation services, Garbage hauling or Nondomestic Waste hauling under permission of the permit issued to the Permittee without first receiving prior written approval from DEHS. The permit issued may be suspended or revoked by DEHS in the event there is a change in the person or entity owning the operating company, unless prior notice has been given in writing to DEHS pursuant to Subsection (c) of this Section.

Amended Ordinance #3411 (1990); Amended Ordinance #3671 (1996);



**33.0827 Causes and Procedures for Denial, Denial of Renewal, Revocation and Suspension of Permits.**

(a) DEHS may deny, deny renewal of, revoke, or suspend a Health and Safety Permit for any one or more of the following causes pertaining to conduct of the applicant or Permittee:

(1) When falsified information is submitted to DEHS in a permit application, report(s) or correspondence;

(2) When false information is submitted to DEHS;

(3) When federal, state, or local laws or regulations pertaining to the collection, or transportation, of Solid Wastes are violated; or

(4) When any violation of conditions to operate exists pertaining to a Conditional Use Permit or Special Use Permit, if such are required.

(5) When DEHS finds that the Collection Vehicles or other equipment used or to be used in conducting or operating the Garbage hauling, Nondomestic Waste hauling or Refuse collection service is inadequate, unfit, or incapable of being used and maintained to comply with the provisions of this Article.

(6) When DEHS determines that a Permittee has not operated in the County for thirty (30) days or more.

(b) Upon determining cause for the denial, denial of renewal, revocation, or suspension of a permit, DEHS shall give written notice to the applicant or Permittee to show cause why the permit should not be denied, revoked, suspended or its renewal denied, and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, beginning with Section 33.020.

(c) A person or entity whose permit has been denied, revoked or had its renewal denied pursuant to this Section shall not be considered by DEHS for a permit until after one (1) year from the date of such denial, denial of renewal or revocation. After three (3) such denials, denials of renewal, or revocations, or combinations thereof, no new permit shall be granted to such applicant.

Amended Ordinance #3652 (1996); Amended Ordinance #3671 (1996);

**33.0828 Renewal of Permits**

All Health and Safety Permits shall be renewed annually through DEHS provided DEHS finds that the Permittee, during the period of the unexpired permit, operated in compliance with the provisions of this Article.

Amended by Ordinance #3652 (1996); Amended Ordinance #3671 (1996);

**33.0829 Permit Fees and Charges for Service**

(a) Payment of Permit Fees. Health and Safety Permit fees shall be paid as specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

(b) Any of the fees pertaining to this Article may be prorated on a quarterly basis when applied to an additional vehicle for which a permit is requested. Unused portions of such fees may be refunded, prorated on a quarterly basis, to the Permittee in the event said vehicle(s) should be discontinued from use in the business, upon proper written notice to DEHS.

(c) Transfer of Permits Between Vehicles. Where any vehicle operating under a valid current permit is replaced by another vehicle, the permit may be transferred to the replacement vehicle upon payment of a transfer fee as specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code contingent upon an inspection of the new vehicle and approval by DEHS.

(d) Each Permittee issued an annual Health and Safety Permit shall be inspected by DEHS to assure compliance with the provisions of this Article. Whenever DEHS determines that any Permittee is not in compliance with this Article, DEHS may suspend or revoke the Health and Safety Permit in accordance with the procedures provided in Section 33.0827. Any subsequent inspection(s) for the purpose of compliance may be billed as special inspection(s) per Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

Amended by Ordinance #3652 (1986); Amended Ordinance #3671 (1996);

**33.0830 Vehicle Specifications.**

Collection vehicles and Equipment used by Permittees for the collection and/or transportation of Refuse shall be of a type designed and manufactured specifically for such purposes, as determined by DEHS, and shall comply with the following minimum specifications:

(a) All vehicle bodies shall be constructed of metal. All joints and seams shall be welded and leakproof.

(b) All Refuse compartment doors shall be tight-fitting and shall not leak any contents of the collected refuse.

(c) All vehicles classified over three quarter (3/4) ton by the manufacturer shall be equipped with an automatic dumping mechanism.

(d) The Permittee's name or firm name and telephone number shall appear in legible letters not less than three (3) inches high. The business address, if provided, shall appear in letters not less than two (2) inches high on both sides of the vehicle.

(e) All vehicles shall at all times be maintained in a clean, sanitary condition, and shall be well-painted. Vehicles shall be well-maintained and shall not leak oil or other fluids, including hydraulic fluids.

(f) All operators of vehicles or equipment used for transporting Refuse, in which the Refuse storage compartment is open or partially open at the top shall take suitable measures, including tarps, if necessary, to prevent litter release during transportation.

All vehicles used for the collection and/or transportation of Garbage, unmixed with Rubbish, shall be equipped with watertight metal tanks. When used for collection, the tanks shall be covered so that not more than one-half (1/2) of any tank can be uncovered at any one time. The cover shall be fully closed when the vehicle is transporting Garbage. All equipment used for collecting or transporting Garbage, unmixed with Rubbish, shall be cleaned and disinfected at least once daily.

(h) Vehicles collecting and/or transporting Nondomestic Wastes shall be of a type and construction DEHS determines on a case-by-case basis to be necessary for the particular waste and to protect the public health and safety.

Amended Ordinance #3671 (1996);

### **33.0831 Equipment Required.**

(a) Each vehicle collecting or transporting Refuse, Garbage, or Nondomestic Waste shall at all times carry in the cab current California DMV Registration, proof of current insurance, and the name, address, and phone number to be contacted in case of an accident or emergency.

(b) Permittee's facilities shall be clean, orderly and safe. Out-of-service vehicles shall be clearly identified. Washing facilities shall have adequate drainage.

(c) Solid Waste containers stored in the Permittee's yard shall be free from Refuse and shall be clean.

Amended Ordinance #3671 (1996);

### **33.0832 Records Required.**

All Permittees shall keep, maintain, and furnish copies of such operating records as DEHS may request to ascertain compliance with this Article. All Permittees shall maintain a log of all complaints received for review by DEHS.

The complaint log shall contain the following information: date and time the complaint was received; name, address and phone number of the complainant, if possible; date and time of incident; nature of the complaint; and date of final action. All complaint logs shall be retained for at least 18 months and shall be available for DEHS inspection.

Amended Ordinance #3671 (1996);

### **33.0833 Requirements of Permittee.**

a) All Permittee's vehicles and equipment shall be subject to DEHS inspection at any operating location during regular business hours.

(b) No Permittee shall hold Putrescible Wastes in a vehicle for more than twenty-four (24) hours.

(c) Each employee driving a Permittee's vehicle shall at all times have a current valid and appropriate California DMV operator's license.

Amended Ordinance #3671 (1996);

### **33.0834 Office for Inquiries and Complaints.**

The Permittee shall take all steps as may be reasonable and necessary in order to assure that the collection of solid waste is completed in a timely and efficient manner. The Permittee shall maintain customer service phone lines from 8:00 a.m. to 5:00 p.m. Monday through Friday, and during hours of service on Saturdays, if any waste collection service is provided on Saturday. The number of local phone lines provided shall be sufficient to adequately serve the public. The Permittee shall notify DEHS in writing seven (7) days prior to any change in business name, address, or telephone number. Such notice shall set forth the corrected information. This Section shall not require the Permittee to maintain an office which is different than or separate from the office for inquiries and complaints maintained by Permittee under any other section of this Chapter or under Division 6 of Title 4 of this Code.

Amended Ordinance #3671 (1996);

### **33.0835 Administration, Enforcement, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this Article shall generally proceed as set forth in Chapters 1, 2, and 3 of Division 3 of Title 3 of the San Bernardino County Code and otherwise as provided by law.

In addition, and in accordance with the provisions in Section 33.0112 of this Division of the County Code, any party convicted of violating this Division, may be held liable by the court for reimbursement to the County for all or part of the costs incurred in the investigation, analysis, inspection, abatement and prosecution of the enforcement action against the guilty party.

Amended Ordinance #3671 (1996);

### **33.0836 - 33.0839 (Reserved)**

Amended Ordinance #3671 (1996);

## **Article 2.1: CLASS A PERMITS**

### **33.0840 Statement of Purpose and Authority.**

This purpose of this Article is to establish permitting requirements and minimum standards for refuse collection and transportation within the unincorporated areas of the County of San Bernardino.

Pursuant to the authority cited in Chapter 1 of Division 3 of Title 3 of the San Bernardino County Code; Public Resources Code, Division 30, Part 4, Chapter 2, Section 40059; and other applicable State law, the Board of Supervisors authorizes the Division of Environmental Health Services, Department of Public Health to enforce this Article prior to July 1, 1997. After June 30, 1997, the Board of Supervisors authorizes Waste System Division, Public Services Group, to enforce this Article.

Ordinance #3671 (1996);

### **33.0841 Definitions.**

The following definitions apply only to this Article and are in addition to definitions in articles 1 and 2 of this chapter.

(a) "Class A Permit" means a permit required by all Refuse Haulers to provide Refuse collection and transportation service to residential, commercial and or industrial customers within the unincorporated areas of the County which areas are not serviced through a franchise agreement issued under the provisions of Division 6 of Title 4 of this Code.

(b) "Class A Permit Holder" is any person or entity engaged in the collection, transportation and removal of Refuse who has been issued a Class A Permit; except those persons exempted under section 33.0843 of this Article.

(c) "Department" means the Local Enforcement Agency, Division of Environmental Health Services, Department of Public Health prior to July 1, 1997 and means the Waste System Division, Public Services Group, after June 30, 1997.

(d) "Nondomestic Wastes" shall include wastes which may be solid, semisolid, slurries, dust, nonpetroleum oils, and related substances or combinations thereof, which constitute a potentially dangerous health or environmental risk to residents of the County of San Bernardino. Wastes may be determined as such by DEHS upon finding that special transportation requirements are necessary due to the nature of the material, the intended disposal method, or the intended end use. Said term shall not include any wastes classed as infectious, toxic, or hazardous by State or Federal statute.

(e) "Refuse" means all Solid Waste as defined in Public Resources Code Section 40191.

(f) "Refuse Hauler" shall mean any person or entity engaged in the collection, transportation and removal of Refuse, except that it shall not mean a Garbage Hauler.

(g) "Refuse Collection Area" means those portions of the County of San Bernardino designated on certain maps entitled "Refuse Collection Areas in San Bernardino County" including all amendments and changes thereto, which maps are incorporated by reference and are on file with Department and in the office of the Clerk of the Board.

(h) "Route Vehicle" is a vehicle which is used in the day-to-day collection/transportation of Refuse.

(i) "Spare Vehicle" is a vehicle which is used to temporarily replace the regular Route Vehicle of a Class A Permit Holder when the Route Vehicle is being serviced or is otherwise unavailable for use. A Spare Vehicle is subject to the same standards and requirements as a regular Route Vehicle.

Ordinance #3671 (1996);

### **33.0842 Permits.**

It shall be unlawful for a Refuse Hauler to operate a Refuse collection, transportation or disposal activity except where exempt by this Code, without possessing the applicable unexpired, unsuspended, unrevoked Class A Permit(s) to do so, approved by the Board of Supervisors and issued by the Department and having paid fees to the Department required by this Article, as set forth in the County of San Bernardino Schedule of Fees. Permits shall be issued for a term of 12 months or for such shorter term as determined by the Board of Supervisors.

The Permittee under a Health and Safety Permit is not considered to be a holder of, nor to have received or have the right to receive a Class A Permit. Without limiting the generality of the forgoing, any holder of a Class B or D permit, as it existed prior to the effective date of this section, shall not be considered to be a holder of nor to have received or have the right to receive, a Class A Permit by virtue of his, her or its status as either a prior holder of a Class B or D permit or as a current Permittee of a Health and Safety Permit.

The Class A Permit shall be issued for specified Refuse Collection Areas as defined in Section 33.0844 of this Article.

Ordinance #3671 (1996);

### **33.0843 Exemptions.**

Exempted from the requirements of Section 33.0842 are:

- (a) Those hauling Domestic Waste generated upon their own property, residence or business.
- (b) Those who collect Garbage, unmixed with Rubbish, and transport it to a commercial Garbage-feeding hog ranch or to a commercial establishment for processing.
- (c) Construction/Demolition clean up crews, landscapers and yard maintenance services who physically gather, collect and remove materials, such as construction debris, demolition waste, yard trimmings or similar materials only. This does not include merely providing a refuse container without providing the additional service of gathering materials and placing them in the container.

Ordinance #3671 (1996);

### **33.0844 Refuse Collection Areas.**

(a) For the purpose of this Article, the County of San Bernardino shall be divided into Refuse Collection Areas. Such areas are designated on those certain maps entitled "Refuse Collection Areas in San Bernardino County." Such maps are incorporated herein by reference and are on file with Department and in the office of the Clerk of the Board of Supervisors.

(b) Except as otherwise provided in this Article, it shall be unlawful for any person or entity, other than a Class A Permit Holder, to operate a Refuse collection service within any Refuse Collection Area.

(c) Any Refuse Collection Area may be modified by the Board of Supervisors at any time should they find that such modification is necessary for the efficient conduct and operation of refuse collection in the area involved. In the event of such action, all concerned Class A Permit Holders shall be given a ten (10) day written notice thereof before such modification is acted upon by the Board of Supervisors.

Ordinance #3671 (1996);

### **33.0845 Application/Renewal of Permit.**

In addition to all the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, the following are prerequisite to issuance or renewal of a Class A Permit:

(a) Applicants for a Class A Permit or a renewal thereof must complete the Department verified application form which shall include:

- (1) Complete name and description of the applicant;
- (2) Permanent home address and business addresses of the applicant;
- (3) Trade, dba, fictitious business and firm names the applicant operates under;
- (4) If a joint venture, partnership or limited partnership, the names of all participants and/or partners. If a corporation, the name of each officer, the nature of their office or participation and their permanent address; and the name and address of the agent for service of process.
- (5) The location of all appropriate waste facilities that will be used together with a statement indicating that the waste being delivered to each site will be within the classification limits of that site;
- (6) The geographical boundary of the area for which the Class A Permit is to apply;
- (7) Facts showing that the applicant is qualified to render efficient service. This statement shall include any prior experience that will help establish the applicant's capability to perform this function. New applicants shall include a written statement of net worth or other financial data that will establish the applicant's capability to discharge applicant's obligations under the applicable provisions of this Article.);
- (8) An applicant for a Class A Permit, if applying for a permit to service five hundred (500) or less customers, shall give the number of customers that the Class A applicant proposes to serve.

(9) That the applicant owns or controls sufficient Refuse vehicles and other necessary equipment in good mechanical condition to adequately conduct the proposed Refuse collection business. That the applicant owns or has access to suitable facilities for maintaining the vehicles and other necessary equipment in a clean and sanitary condition;

(10) That the Refuse collection/ transportation vehicles and equipment of the applicant conform to all applicable provisions of this chapter; the issuance of a Class A Permit is in the public interest in that it is likely to satisfy an existing public need; and

(11) Such other facts or information as Department may reasonably require.

(b) Indemnification. Separate and distinct from the insurance provisions required by this Division, each Permittee shall appear and defend (with counsel approved by County) all actions against the Department and the County, and the Permittee agrees to defend, indemnify, and hold the County and/or its officers, agents, volunteers and employees harmless from and against, any and all claims and demands, causes of action of every kind and description, damages, liabilities, costs or expenses for any damages or injuries to any person or property, including, but not limited to, injury to Permittee's officers, agents, or employees which arise directly or indirectly from or are connected with or are caused or claimed to be caused by acts, errors or omissions of Permittee, or its officers, agents, or employees, in exercising its rights or in performing its duties under its permit or under this Division, and all costs and expenses of investigating and defending against same; except to the extent such indemnification is prohibited by law.

(c) Insurance. The Class A Permit Holder shall obtain and keep in force during the term of said permit, comprehensive general and vehicular liability insurance of at least one million dollars (\$1,000,000.00) combined single limits for bodily injury and property damage and a program of Workers' Compensation insurance or a state-approved Self-Insured Workers' Compensation Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including employer's liability with two hundred fifty thousand dollar (\$250,000.00) limits covering all employees of the permit holder. The County of San Bernardino shall be named as an additional insured and all policies, except Workers' Compensation, shall contain a provision requiring written notice to be given to the Department prior to cancellation, modification or reduction of limits.

INSURANCE REVIEW. The above insurance requirements are subject to periodic review by the County. The Risk Manager of the County of San Bernardino is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation or any other item reasonably related to the County's risk.

(d) Class A Permit Holder shall not be required to maintain separate policies of insurance for any type of insurance required under this Section, any other section of this Chapter or under Division 6 of Title 4 of this Code. However, the Class A Permit Holder must maintain the level of insurance which is the higher of that required in this Chapter or Division 6 of Title 4 of this Code and must obtain and maintain insurance coverage which satisfies all of the provisions of this Chapter and Division 6 of Title 4 of this Code, including without limit, providing certificates of insurance to all specified Departments of the County and requiring notification of the cancellation or termination of any insurance policy be given by the insurance company to all specified Departments of the County.

(e) The application called for in this section may be combined with the application called for in Section 33.0825 dealing with Health and Safety Permits, if the applicant is required to obtain or renew a Health and Safety Permit at the same time as it is required to submit an application under this section ("Joint Application"). Such Joint Application must satisfy all of the requirements of both this section and Section 33.0825. In the event the applicant chooses to submit a Joint Application, applicant shall give Department one duplicate original of the Joint Application. Department shall take all actions with respect to the issuance or renewal of the Class A Permit sought in the Joint Application, to the same effect as if the applicant had submitted an application solely under this Section 33.0845.

Ordinance #3671 (1996);

### **33.0846 Issuance, Renewal, Suspension, Transfer and Revocation of Permits.**

(a) Issuance or Renewal. Where Department finds that the statements in the application are true and that the applicant for issuance or renewal of a Class A Permit is reasonably capable of complying with the provisions of this Article, Department shall recommend issuance or renewal of a Class A Permit for the collection of the Refuse. The proposed issuance or renewal shall then be approved or denied by the Board of Supervisors.

(b) Suspension/Revocation/Non-Renewal. A Class A Permit Holder shall not lease, sublet, subcontract, or in any manner allow any other person or entity to engage in Refuse operations under permission of the Class A Permit issued to the permit holder. The Class A Permit may be suspended, revoked or not renewed at the option of the Board of Supervisors in the event there is a change in the person or entity owning or operating the company or in the

person to whom the permit is issued, unless approval therefore has been obtained in writing from the Board of Supervisors.

(c) **Transfer of Class A Permit.** Requests for approval of transfer of a Class A Permit because of a change in ownership of any kind or nature in the operating company or of the business operating under the Class A Permit, shall be submitted in writing to Department and approved by the Board of Supervisors prior to any such change. Any transfer of a Class A Permit to the new owners shall be approved by the Board of Supervisors, upon the recommendation of Department, in accordance with the requirements of this Chapter. Such transferred Class A Permit may be for a term shorter than the remaining unexpired permit term and be subject to such conditions as determined by the Board of Supervisors.

(d) **Payment of Insurance.** A Class A Permit Holder shall furnish Department, prior to expiration or termination of the period covered by premium payment when renewal is automatic, evidence of renewal and of full payment of the premium on required insurance coverage. Nonreceipt by Department of this information shall result in the insurance policy being considered to be expired and justification for the suspension, revocation or cancellation of the permit in the manner set forth in this Article and Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code.

(e) **Statement of Ownership.** The Class A Permit Holder shall file a true and correct statement of ownership with Department at the time of permit renewal each year under penalty of perjury.

(f) **Temporary Permit.** The Board of Supervisors may, for any reason, choose to postpone the decision on the approval or denial of a new Class A Permit, the annual renewal of a Class A Permit or the transfer of a Class A Permit to new owners if it issues a separate temporary Class A Permit having a term less than or equal to 6 months ("temporary permit"). The issuance of a temporary permit may be subject to such terms as determined by the Board of Supervisors and does not constitute either the issuance of a new Class A Permit, the renewal of an existing Class A Permit or the approval or denial of the transfer of a Class A Permit, as the case may be. The issuance of a temporary Class A Permit shall confer no rights beyond the rights set forth in the temporary Class A Permit for the time period set forth in the temporary Class A Permit.

Ordinance #3671 (1996);

### **33.0847 Procedure for Denial, Denial of Renewal, Revocation and Suspension of Permits.**

(a) The Board of Supervisors may deny, deny renewal of, revoke or suspend a Class A Permit for any one or more of the following causes pertaining to conduct of the applicant or permit holder:

(1) When falsified information is submitted to Department in a permit application, report(s) or correspondence.

(2) When false information is submitted to Department on a material question.

(3) When federal, state or local laws or regulations pertaining to Solid Waste Handling are violated.

(4) When the holder of the Class A Permit or applicant for a Class A Permit is in arrears or not current with the charges or fees due for use of any County-maintained Solid Waste Facility used for Refuse Hauler operations, unless waived by the Waste System Division; or

(5) When any violation of conditions to operate exists pertaining to the Conditional Use Permit or Special Use Permit.

(b) Upon determining cause for the denial, denial of renewal, revocation or suspension of a Class A Permit, Department shall give written notice to the applicant or Class A Permit Holder to show cause why the Class A permit should not be denied, revoked, suspended or its renewal denied and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, beginning with Section 33.020. The Hearing Officer shall then recommend to the Board of Supervisors whether the permit should be renewed, revoked, suspended or denied. The recommendation of the Hearing Officer shall then be approved, modified or rejected by the Board of Supervisors or the Board may call for additional testimony before making a decision. The decision of the Board shall be final.

(c) When the request for denial, denial of renewal, revocation or suspension of a permit is the result of a request by another Department, hereinafter the Initiating Department, that Department shall reimburse Department for any expenses incurred as provided for in a memorandum of understanding (MOU) between Department and the Initiating Department. The Initiating Department shall be responsible for the presentation of the facts of the case involved in the requested action.

(d) A person or entity whose Class A Permit has been denied, revoked or had its renewal denied pursuant to this section shall not be considered by the Board of Supervisors for a Class A Permit until one (1) year from the date of such denial, denial of renewal or revocation. After three (3) such denials, denials of renewal or revocation, or combinations thereof, no new Class A Permit shall be granted to such applicant.

Ordinance #3671 (1996);

### **33.0848 Specification of Permit Areas.**

Department shall specify in all Class A Permits or renewals thereof, the territory within the Refuse Collection Area in which the Class A Permit Holder may collect Refuse. No Class A Permit Holder may, at any time, collect Refuse within the unincorporated area of the County of San Bernardino outside the territorial limits fixed in the Class A Permit issued. The territory so specified in any such permit may be modified by Department with Board of Supervisors approval if such modification is found to be necessary for the efficient conduct and operation of Refuse collection in the territory involved.

Ordinance #3671 (1996);

### **33.0849 Renewal of Permits.**

Class A Permits must be renewed annually. Where Department finds that the Class A Permit Holder, during the period of the unexpired Class A Permit, operated in conformity with the law, Department shall recommend renewal of the Class A Permit for the collection of refuse. The proposed renewal shall then be approved or denied by the Board of Supervisors. No permit shall be renewed or reissued as long as the would-be holder of the renewed or reissued permit is in arrears or not current with the charges or fees due for use of any County-maintained Solid Waste Facility used for refuse hauler operations. Only when no sum of money is due and owing to the County for such charges or fees shall such a Class A Permit be renewed or reissued.

Ordinance #3671 (1996);

### **33.0849A New Applicants.**

(a) Every new applicant who desires to engage in any activity of Refuse collection, transportation, hauling or disposal within the County of San Bernardino shall obtain a Class A Permit as provided herein prior to commencing such activities.

(b) The Board of Supervisors may deny an application on the grounds of infeasibility. Whenever a new application is filed under the provisions of this Article for a Class A Permit to provide refuse collection service within this jurisdiction where one or more Class A Permits already exist, the Board of Supervisors, after due investigation, may find and determine, as a matter of fact, that there does not exist in the area sufficient potential source of Refuse to justify the granting of an additional, separate and distinct Class A Permit for use within that Refuse Collection Area. Predicated on such findings, the Board of Supervisors may deny the application for a Class A Permit on the grounds that the granting of such new permit is not economically for financially feasible and not in the public interest and welfare.

Ordinance #3671 (1996);

### **33.0849B Permit Fees and Charges for Services.**

(a) All permit fees, charges for services and fees for use of approved County Solid Waste Facilities shall be paid as specified in the San Bernardino County Code Schedule of Fees.

(b) Payment of Permit Fees. Any of the fees pertaining to this Article may be prorated on a quarterly basis when applied to an additional vehicle for which a permit is requested. When a Class A Permit Holder engages in Refuse collection operations in more than one Refuse Collection Area, a separate Class A Permit shall be required for each Refuse Collection Area in which it operates. The minimum permit fee shall be as specified in the San Bernardino County Code Schedule of Fees.

Fees for vehicles shall be prepaid for the permit period for which application for a Class A Permit has been made. Unused portions of such fees may be refunded, prorated on a quarterly basis, to the Class A Permit Holder in the event said vehicle(s) should be discontinued from use in the business, upon proper written notice to Department.

(c) Transfer of Class A Permits Between Vehicles. Where any vehicle operating under a valid current Class A Permit is replaced by another vehicle, the Class A Permit may be transferred to the replacement vehicle upon payment of a transfer fee as specified in Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code contingent upon any required inspection and approval of the new vehicle by the Department.

(d) Basis for Class A Permit Holder's Charges. All charges for services by Class A Permittees shall be nondiscriminatory and uniform for equal services rendered. Charges shall be reasonably based upon the number of containers, type of Refuse, whether compacted or loose, number of separate pick-up points at any place of collection, placement of container or distance of carry-out, frequency of collection, remote location, geographical terrain and whether residential, commercial or industrial collection. An inclusive rate schedule shall be filed with Department by each permit holder as a condition of approval of any permit issued or renewed.

(e) Rate Adjustments. Annual and special rate adjustments shall be made in accordance with the adopted policy of the Board of Supervisors.

(f) Reasonable Rates. Any subscriber who believes an unreasonable charge has been billed for collection service may file a written complaint with Department setting forth the facts of such alleged overcharge. Department shall notify the Refuse collector of such complaints and conduct a hearing in accordance with Chapter 2 of Division 3

of Title 3 of the San Bernardino County Code, if requested to do so, to determine the reasonableness of the charge for such service. In such a hearing, the subscriber shall bear the burden of proof by a preponderance of the evidence.

(g) **Verification of Rates.** Department shall review and maintain a continuous evaluation of Refuse collection operating costs and make recommendations to the Board of Supervisors as to the reasonableness of a Class A Permit Holder's rates and whether they are nondiscriminating and uniform for equal service.

Ordinance #3671 (1996);

**33.0849C Records Required.**

All Class A Permit Holders shall keep, maintain and furnish copies of such operating records as Department may require to ascertain compliance with this Article. All Class A Permit Holders shall maintain a log of all complaints received for review by Department.

Ordinance #3671 (1996);

**33.0849D Hours of Collection.**

Class A Permit Holders shall not collect refuse within a residential area or contiguous commercial area between the hours of 10:00 p.m. and 6:00 a.m. the next day.

Ordinance #3671 (1996);

**33.0849E Office for Inquiries and Complaints.**

The Class A Permit Holder shall take all steps as may be reasonable and necessary in order to assure that the collection of waste is completed in a timely and efficient manner. The Class A Permit Holder shall maintain customer service phone lines from 8:00 a.m. to 5:00 p.m. Monday through Friday, and during hours of service on Saturdays, if any Refuse collection service is provided on Saturday. The number of local phone lines provided shall be sufficient to adequately serve the public. A Class A Permit Holder shall notify Department in writing seven (7) days prior to any change in business name, address, or telephone number. Such notice shall set forth the corrected information. This Section shall not require a Class A Permit Holder to maintain an office which is different than or separate from the office for inquiries and complaints maintained to comply with any other section of this Chapter or under Division 6 of Title 4 of this Code.

Ordinance #3671 (1996);

**33.0849F Administration, Enforcement, Remedies and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies and penalties as to this Article shall proceed as set forth in Chapters 1, 2 and 3 of Division 3 of Title 3 of the San Bernardino County Code.

In addition, and in accordance with the provisions in Section 33.0112 of this Division of the County Code, any party convicted of violating this Article be held liable by the court for reimbursement to the County for all or part of the costs incurred in the investigation, analysis, inspection, abatement and prosecution of the enforcement action against the guilty party.

Ordinance #3671 (1996);

**Article 3: LIQUID WASTE (SANITARY) PUMPERS**

**33.0850 Purpose and Authority.**

The purpose of this article is to establish standards for permitting the operations of persons or entities servicing, pumping, or transporting sanitary wastes from septic tanks, seepage pits, cesspools, portable toilets, sewage holding tanks, grease interceptors, and other repositories of such wastes, to ensure that environmental public health hazards, nuisances, and pollution do not occur as a result of improper handling or disposal.

Pursuant to the authority cited in Chapter I of Division 3 of Title 3 of the San Bernardino County Code; State of California Water Code § 3304; State of California Government Code § 66700 et seq. (Solid Waste Management, Resource Recovery, and Recycling); State of California Health and Safety Code § 5410 et seq. (Sewage and Other Waste); State of California Health and Safety Code § 25000 et seq. (Septic Tanks, Chemical Toilets, Cesspools, and Seepage Pits); and other applicable state law, this Board designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);



### **33.0851 Definitions.**

Definitions herein are in addition to all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code.

(a) CHEMICAL SUBSTANCES means any substance placed in the waste receptacle of a portable toilet for the purpose of controlling odors and/or decomposition.

(b) PORTABLE TOILET means an enclosed unit intended for temporary use at a given location with a total floor space not exceeding thirty-six (36) square feet. The term does not include toilets in camping trailers or similar units whose primary intended use is recreational.

(c) SANITARY WASTES means liquid or semiliquid wastes contained within septic tanks, seepage pits, cesspools, sewage holding tanks, or other repositories of human body wastes, or similar materials, including grease interceptors, which may contain human pathogens.

Renumbered and restated Ordinance #3105 (1986);

### **33.0852 Permits and Hearing Procedures.**

It shall be unlawful for any person or entity to pump or otherwise remove the contents of a septic tank, seepage pit, cesspool, sewage holding tank, portable toilet, grease interceptor, or other receptacle of sanitary wastes or to transport sanitary wastes without an unexpired, unsuspended, unrevoked permit issued by the San Bernardino County Department of Environmental Health Services (DEHS) and having paid all fees specified in the San Bernardino County Code Schedule of Fees. All procedures in Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code relating to permits/hearings apply to this article except as provided herein.

Renumbered and restated Ordinance #3105 (1986);

### **33.0853 Application for Permits.**

When applying for a permit to comply with § 33.0852 of this Code, an applicant shall complete in full an application form provided by the San Bernardino County Department of Environmental Health Services (DEHS) to include:

- (a) Complete name and description of the applicant;
- (b) Permanent home address and business addresses of the applicant;
- (c) Trade, dba, fictitious business and firm names the applicant operates under;
- (d) If a joint venture, or a partnership or limited partnership, the names of all *participants/partners*. If a corporation, the name of each officer, title, and the nature of their participation, and their permanent address, and the name and address of the agent for the service of process;
- (e) The location of all approved disposal sites that will be used;
- (f) Facts showing that the applicant is qualified to render efficient services. This statement shall include any prior experience that will help establish the applicant's capability to perform this function; where the applicant has provided a similar service in any other jurisdiction, a letter from that local health authority shall be included;
- (g) Facts showing that the applicant owns or controls vehicle(s) and equipment that conform to all applicable provisions of this article;
- (h) Such other information as DEHS may reasonably require, pertinent to the applicant's capability to carry out the permitted activity;
- (i) Such information as required to show applicant may legally conduct his/her business at the proposed locations pursuant to Title 8 of the San Bernardino County Code (the Development Code).

Renumbered and restated Ordinance #3105 (1986);

### **33.0854 Issuance of Permits.**

The San Bernardino County Department of Environmental Health Services (DEHS) shall act upon permit applications within thirty (30) days unless special uses or conditions exist causing additional review by DEHS or the San Bernardino County Department of Land Management, Office of Planning. Notification of special review shall be made to applicant within the thirty (30) days.

Renumbered and restated Ordinance #3105 (1986);

### **33.0855 Indemnification and Insurance.**

A permittee shall indemnify, defend and hold harmless the County of San Bernardino and their authorized agents, officers, volunteers and employees against any and all claims or actions arising from the permittee's acts or omissions and for any costs or expenses incurred by the San Bernardino County Department of Environmental Health Services (DEHS), County of San Bernardino or permittees on account of any claim therefore.

In order to accomplish the indemnification herein provided for, but without limiting the indemnification, the Permittee shall secure and maintain throughout the term of the permit the following types of insurance within the limits as shown:

(a) **WORKER'S COMPENSATION.** A program of Worker's Compensation Insurance or a state-approved Self-Insurance Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability with two hundred fifty thousand dollar (\$250,000) limits, covering all persons providing services on behalf of the permittee and all risks to such person under this permit.

(b) **COMPREHENSIVE GENERAL and AUTOMOBILE LIABILITY INSURANCE.**

(1) All permittees must have automobile liability coverage for owned, hired, and nonowned vehicles. The policy shall have combined single limits for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000).

(2) Permittees with three (3) or more trucks must also have Comprehensive General liability insurance. The policy coverage shall have combined single limits for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000).

Permittee shall immediately furnish certificates of insurance and within sixty (60) days provide certified copies of all policies and endorsements to DEHS evidencing the insurance coverage above required prior to the commencement of performance of services hereunder, which certificates shall provide that such insurance shall not be terminated or expire without thirty (30) days written notice to DEHS, and shall maintain such insurance from the time the permittee commences business activities upon permit receipt and throughout any hearings for denial, revocation and/or suspension of permits or renewals.

All policies, with respect to the insurance coverage above required, except for the Worker's Compensation Insurance coverage, if applicable, shall have endorsements naming DEHS and the County of San Bernardino, their employees, agents, volunteers and officers as additional named insured with respect to liabilities arising out of performance of services hereunder.

The permittee shall require the carriers of the above required coverage to waive all rights of subrogation against DEHS and the County of San Bernardino, their offices, volunteers, employees, contractors and subcontractors.

(c) **INSURANCE REVIEW.** The above insurance requirements are subject to periodic review by the County. The Risk Manager of the County of San Bernardino is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

Renumbered and restated Ordinance #3105 (1986);

### **33.0856      Renewal of Permits.**

Permits may be renewed annually when the San Bernardino County Department of Environmental Health Services (DEHS) finds that the permit holder, during the period of the unexpired permit, operated in conformity with the law, except that no permit shall be renewed or reissued as long as the would-be holder of the renewed or reissued permit is in arrears or not current with the charges or fees due for use of any County maintained disposal site used for liquid waste pumper operations. Only when no sum of money is due and owing to the County for such charges or fees shall such a permit be renewed or reissued. Renewal procedures shall generally follow the provisions of Chapter 2 of this division beginning with Section 33.020.

Amended Ordinance #3294 (1988); Renumbered and restated Ordinance #3105 (1986);

### **33.0857      Denial, Denial of Renewal, Revocation, and Suspension of Permits.**

(a) The San Bernardino County Department of Environmental Health Services (DEHS) may deny, deny renewal of, revoke, or suspend a permit for any one or more of the following causes pertaining to conduct of the applicant or permit holder:

- (1) When falsified information is submitted to DEHS in a permit application, report(s), or correspondence;
- (2) When false information is submitted to DEHS on a material question;
- (3) When federal, state, or local laws or regulations pertaining to the collection, transportation, or disposal of liquid wastes are violated, or the issuing of a DEHS permit may create such a violation;
- (4) When the DEHS has been notified by the San Bernardino County Solid Waste Management Department or a County Special District, that the holder of the permit or applicant for a permit is in arrears or not current with the charges or fees due for use of any County maintained disposal site used for liquid waste pumper operations, unless waived by the Solid Waste Management Department or County Special District; or

(5) When any violation of conditions to operate exists pertaining to the Conditional Use Permit or Special Use Permit issued for the uses permitted by this chapter.

(b) Upon determining probable cause for the denial, denial of renewal, revocation, or suspension of a permit, DEHS shall give written notice to the applicant or permittee to show cause why the permit should not be denied, revoked, suspended or its renewal denied, and conduct a hearing if requested in accordance with the provisions of Chapter 2 of Division 3 of Title 3 of the San Bernardino County Code, beginning with Section 33.020.

(c) When the request for denial, denial of renewal, revocation or suspension of a permit is the result of a request by another department or district, hereinafter the Initiating Department, that department or district shall reimburse the DEHS for any expenses incurred as provided for in a memorandum of understanding (MOU) between DEHS and the Initiating Department. The Initiating Department shall be responsible for the presentation of the facts of the case involved in the requested action.

(d) A person or entity whose permit has been denied, revoked or had its renewal denied pursuant to this section shall not be considered by DEHS for a permit until after one (1) year from the date of such denial, denial of renewal or revocation. After three (3) such denials, denials of renewal or revocations, or combinations thereof, no new permit shall be granted to such applicant.

Amended Ordinance #3294 (1988); Renumbered and restated Ordinance #3105 (1986);

### **33.0858 Nontransferability of Permits and Change of Address.**

Permits issued pursuant to this article are nontransferable as to any person or entity. A permittee shall not lease, sublet or subcontract the activities regulated under the permit to any person. A permittee may hire employees to perform permit activities.

A change of ownership, dba or address of the place of residence or business of any person permitted under this article shall be reported in writing to the San Bernardino County Department of Environmental Health Services (DEHS) within ten (10) days after said changes occur.

Renumbered and restated Ordinance #3105 (1986);

### **33.0859 Records and Reports.**

Each permittee shall maintain accurate records and keep them available at the business office of the permittee for inspection by the San Bernardino County Department of Environmental Health Services (DEHS) any time during business hours. The records shall include the location where sanitary wastes are collected; and the type, quantity, and location of all waste discharges made pursuant to the permit for the present and last two (2) calendar years. Additionally:

(a) Such information shall be submitted to DEHS for each month of operation on forms approved or provided by DEHS, by the fifteenth (15th) day of the following month.

(b) For portable toilets only, the quantity of waste from several units may be summarized on a daily basis if discharge is made to a single disposal site.

(c) DEHS may require such other information as is reasonably necessary and pertinent to ensure that the provisions of this article are met.

(d) Each permittee shall provide to each customer for whom the permittee has provided pumper services for sanitary waste removal a receipt and/or bill for said services which shall include:

- (1) Number of compartments pumped;
- (2) Estimated gallonage or volume of sanitary wastes removed;
- (3) Intended location to which the sanitary wastes are to be discharged, and;
- (4) Estimated disposal charges to be incurred upon disposal of said sanitary wastes.

Renumbered and restated Ordinance #3105 (1986);

### **33.0860 Disposal of Sanitary Wastes.**

No sanitary wastes, including wash or rinse water used to clean the interior of the liquid waste hauler's vehicle tank or any portable toilet, shall be disposed of at any location which is not approved by the San Bernardino County Department of Environmental Health Services (DEHS) and which does not meet either or both, as applicable, of the following conditions:

(a) The current unrevoked Waste Discharge Requirements for the treatment and/or disposal of liquid wastes from the appropriate California Regional Water Quality Control Board.

(b) A current, unrevoked solid waste disposal site permit sanctioning the disposal of septic or other liquid wastes from the California Integrated Waste Management Board.

Renumbered and restated Ordinance #3105 (1986);

### **33.0861 Required Health and Safety Equipment.**

Every vehicle requiring a permit by this article shall at all times of operation have necessary equipment as determined by the San Bernardino County Department of Environmental Health Services (DEHS) to protect the public health and safety. DEHS will periodically publish standards for the operation, maintenance and care of liquid waste hauling units. These standards shall be subject to a thirty (30) day review period prior to approval by the Director of DEHS.

Renumbered and restated Ordinance #3105 (1986);

**33.0862 Cleanliness and Markings for Vehicles.**

Every vehicle requiring a permit by this article shall at all times be operated and kept in a clean, well-maintained condition. Each shall be marked on each side with the name, address, and telephone number of the permittee, in letters a minimum of three inches (3") in height. The certified volume of the tank shall be placed upon the tank or vehicle in minimum three inch (3") high numbers. All such markings shall be kept legible at all times.

Renumbered and restated Ordinance #3105 (1986);

**33.0863 Sanitary Wastes, Hazardous and/or Toxic Wastes and Materials.**

Vehicles approved and registered for the transportation of hazardous materials or hazardous waste as defined by California Health and Safety Code § 2541 I(c) or § 25117, or which otherwise transport sanitary wastes, are not exempt from the requirements of this article, including payment of annual inspection fees as set forth by the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986);

**33.0864 Administration, Enforcement, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this article shall generally proceed as is set forth in Chapters 1,2, and 3 of Division 3 of Title 3 of the San Bernardino County Code, and otherwise in the manner provided by law.

Renumbered and restated Ordinance #3105 (1986);

**33.0865 Portable Toilets.**

All liquid waste haulers that provide portable toilets shall comply with the following:

- (a) Portable toilets shall be operated and kept in a clean, well-maintained condition.
- (b) Portable toilets shall be pumped as necessary and at least within a week after use.
- (c) Portable toilets shall be cleaned and disinfected thoroughly, including the inner walls, receptacle, seats, and lids.
- (d) Chemical additives used in portable toilets shall be chosen from the list of acceptable additives provided by the California Regional Water Quality Control Board.

Renumbered and restated Ordinance #3105 (1986);

**Article 4: SEWAGE HOLDING TANKS**

**33.0870 Purpose and Authority.**

The purpose of this Article is to ensure that sewage holding tanks are installed and utilized so as not to create a danger to the public health or safety. Pursuant to the authority cited in San Bernardino County Code Title 3, Division 3, Chapter 1, California Health and Safety Code Section 5400 et. Seq. (Sewage and Other Waste), and other applicable State law, the Division of Environmental Health Services (DEHS) of the County of San Bernardino is designated as the enforcement authority for the purposes of this article.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0871 Definitions.**

Definitions herein shall supplement all definitions in San Bernardino County Code Title 3, Division 3, Chapters 1 and 3.

- (a) "Applicant" or "Property Owner" shall refer to the person or entity who is the owner of record of the land for which a permit for a sewage holding tank has been sought.

(b) "Contamination" means an impairment of the quality of waters within the unincorporated area of the County of San Bernardino by wastes or other degrading elements to any degree which creates a hazard to the public health through the possibility of poisoning or the spread of disease.

(c) "District" shall mean any sanitation district governed by the Board of Supervisors of the County of San Bernardino.

(d) "Pollution" means an alteration of the quality of the waters within the unincorporated area of the County of San Bernardino by waste to a degree which adversely affects: (1) Such water for beneficial uses; (2) Facilities which serve such beneficial uses. "Pollution" may include contamination.

(e) "Septic Tank Pumper" means any person subject to Article 3 of this chapter (beginning with Section 33.0850) and holding such DEHS permit.

(f) "Sewage" means a combination of liquid wastes which may include chemicals, house waste, human excreta, animal or vegetable matter, and other solids in suspension or solution, which are discharged from a dwelling, building, or other establishment.

(g) "Sewage Holding Tank" means a watertight-covered receptacle designed to receive, and temporarily store, the discharge of sewage prior to periodic removal of its contents to an approved permanent disposal site. This does not include holding tanks used for the purpose of collecting and reusing graywater.

(h) "Sewering Entity" shall mean any public agency which operates sewage collection and treatment facilities.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0872 Use of Sewage Holding Tanks Restricted. Permits Required.**

No person or entity shall install, utilize, or control the use of any sewage holding tank within the unincorporated area of the County of San Bernardino for the confinement of sewage discharged from a dwelling, business establishment, or other facility except upon conditions provided in Section 33.0873 herein and possessing a current unsuspended, unrevoked permit to do so from DEHS pursuant to the procedures set forth in San Bernardino County Code Title 3, Division 3, Chapter 2 and paying fees to DEHS in accordance with the San Bernardino County Code Schedule of Fees.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0873 Conditions for Construction and Operational Permits.**

A permit to install, utilize or control a sewage holding tank may be granted by DEHS upon the following conditions:

(a) The property for which the permit is requested is within the boundaries or sphere of influence of a district or sewerage entity pursuant to Section 33.0876 herein, and the property is unsuitable for a conventional sewage disposal system. For an existing dwelling, business establishment or other facility not within the boundaries or sphere of influence of a sewerage entity, an exemption from the requirement to be within the boundaries of a sewerage entity may be granted by DEHS in order to eliminate a hazardous condition or code violation where no other acceptable means of sewage disposal is feasible or available.

(b) A completed sewage holding tank application, including documentation that all required conditions of San Bernardino Code Section 33.0876, 33.0877 and 33.0880 have been completed.

(c) All cash bond required by Section 33.0878 herein has been posted with the appropriate agency or with DEHS.

(d) The Division of Building and Safety of San Bernardino County has reviewed the proposed installation and found that the standards adopted in Section 33.0879 herein have been met.

(e) The existence of a sewage holding tank on a property has been recorded on the real property pursuant to Government Code Section 27280 et. seq. or in a manner approved by DEHS.

(f) For an existing dwelling, business establishment or other facility not within the boundaries or sphere of influence of a sewerage entity, an exemption may be granted by DEHS in order to eliminate a hazardous condition or code violation, where no other acceptable means of sewage disposal is feasible or available.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0874 Required Agreements with District or Sewering Entity.**

Nothing in this Article precludes the sewerage entity or district from providing direct services, contracting with another sewerage entity or district, or contracting with a private agency to carry out the provisions of this article.

The following written agreements shall be satisfactorily completed and signed by the appropriate official representing the sewerage entity, and filed with DEHS prior to the issuance of any permit.

(a) Subsequent to issuance of an operational permit, notice of the existence of a sewage holding tank as the approved means of sewage disposal for a property will be recorded by DEHS. The application for the permit shall serve as recordation notice and the signature of the property owner shall signify the owner(s) agreement to this recordation action. The cost of recordation shall be per the San Bernardino County Schedule of Fees.

(b) For all sewage holding tanks with operating permits that were installed prior to July 1, 1995, notice of the existence of a sewage holding tank on a property will be recorded by DEHS. Prior to recording notice of the existence of a sewage holding tank on a property, notice shall be sent to the owner of the property by mail at the address shown on the latest assessment roll or at any other address known to DEHS. Within twenty (20) days of the date of the notice, the owner may present evidence that a sewage holding tank does not exist on the property. The cost of recordation shall be per the San Bernardino County Schedule of Fees.

(c) That the number of sewage holding tanks permitted by the district or sewerage entity is not exceeded by the addition of the applicant's proposed sewage holding tank.

(d) That the sewerage entity or district is authorized to hold any bond required as per Section 33.0876 herein and to utilize said bond to render services necessary to eliminate any hazardous condition created by the applicant's sewage holding tank.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0875 Required Agreements with Properly Owners.**

A written agreement with DEHS covering the following shall be satisfactorily completed and signed by all property owners utilizing the proposed sewage holding tank and filed with DEHS prior to the issuance of any DEHS permit.

(a) Properties served by a sewage holding tank shall be subject an annual operating permit fee, as set forth in the San Bernardino County Schedule of Fees, to pay the cost of routine inspections and program administration.

(b) Pursuant to Health and Safety Code sections 510 and 510.5, where a permitted sewage holding tank is located on real property owned by the operator of a business, the property will be assessed the operating permit fee under the following circumstances:

(1) On all newly approved holding tanks.

(2) On existing holding tanks, when the property is transferred to a new owner.

(3) On existing holding tanks, when the operating permits fees have not been paid for 60 days or more beyond the permit expiration date.

(c) Pursuant to Health and Safety Code section 510.7. in those instances where direct assessment is not authorized by Health and Safety Code section 510, the DEHS may record a certificate specifying the amount, interest, penalty due and the name and last known address of the person liable for the permit fee. From the time of recordation of the certificate, the amount required to be paid constitutes a lien upon all real property in the County of San Bernardino owned or thereafter acquired by the liable person, which lien shall have the force, effect and priority of a judgment lien and shall continue for ten (10) years from the time of recording. Prior to recording the lien, the DEHS shall determine that the operating permit fees have not been paid for 60 days or more beyond the permit expiration date and shall notify the person liable for the fees by certified mail of the intent to record such certificate.

(d) If the appropriate Regional Water Quality Control Board adopts rules or regulations which prohibit or curtail the use of sewage holding tanks, thereby rendering the property unavailable for occupancy, the County of San Bernardino shall be held harmless from the results of such action.

(e) If sewage collection lines become available for service to properties utilizing a sewage holding tank, the property owner shall connect within 90 days to the sewage collection line and abandon the sewage holding tank in accordance with the provisions of Section 33.0879 of this article.

(f) If property containing a sewage holding tank is sold, the present property owner shall notify the new property owner of the DEHS requirement to obtain a new permit. DEHS shall give the new property owner written notice of the permit conditions to be completed prior to occupancy of the property.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0876 Required Agreements with District or Sewering Entity.**

Nothing in this article precludes the sewerage entity or district from providing direct services, contracting with another sewerage entity or district, or contracting with a private agency to carry out the provisions of this article.

(a) That the property is within the boundaries or sphere of influence of a district or sewerage entity.

(b) That the district or sewerage entity agrees to receive the sewage and waste water from the applicant's sewage holding tank into its sanitary sewer system.

(c) That the number of sewage holding tanks permitted by the district or sewerage entity is not exceeded by the addition of the applicant's proposed sewage holding tank.

(d) That the sewerage entity or district is authorized to hold any bond required pursuant to section 33.0878 herein and to utilize the bond to render services necessary to eliminate any hazardous condition created by the applicant's sewage holding tank.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

### **33.0877 Required Agreements with Property Owners.**

A written agreement with DEHS covering the following shall be satisfactorily completed and signed by all property owners utilizing the proposed sewage holding tank and filed with DEHS prior to the issuance of any DEHS permit.

(a) All sewage of the property shall be discharged to the proposed sewage holding tank or to such other receptacle as approved by DEHS and the County of San Bernardino Division of Building and Safety.

(b) A written contract with a septic tank pumper shall be in effect at all times after installation to service the sewage holding tank on a regularly scheduled basis to avoid the creation of overflow, public health hazards or environmental hazards.

(c) Notification that if the property owner fails to correct any problem or fails to maintain the system at the proper level of sanitation within forty-eight (48) hours after notification by DEHS, DEHS may act, within its authority, to abate any public nuisance created by the failure to properly maintain the system.

(d) If the Regional Water Quality Control Board having jurisdiction in the area where the holding tank is located adopts rules or regulations which prohibit or curtail the use of sewage holding tanks, thereby rendering the property unavailable for occupancy, the County of San Bernardino shall be held harmless from the results of such action.

(e) If the sewage collection lines become "available for service", as required/defined by the Regional Water Quality Control Board having jurisdiction in the area where the holding tank is located, to properties utilizing a sewage holding tank, the property owner shall connect within 90 days to the sewage collection line and abandon the sewage holding tank in accordance with the provisions of section 33.0881 of this article.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

### **33.0878 Bonds.**

DEHS may require a cash bond, in the amount specified in the San Bernardino County Code Schedule of Fees, to be posted with DEHS or other appropriate agency. DEHS or the appropriate agency may utilize the bond to render services necessary to eliminate any hazardous conditions created by the sewage holding tank which the property owner has failed to correct within forty-eight (48) hours of being given notice by DEHS. If the required bond amount is increased in the fee schedule, the increase in the bond amount shall be provided upon demand by DEHS.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

### **33.0879 Standards.**

The standards for the design criteria, location, and installation of the sewage holding tank shall be those contained within the County of San Bernardino Division of Building and Safety's handout entitled, "Guidelines for Design and Installation of Temporary Sewage Waste Holding Tanks," revised June 16, 1993, or the current edition of such publication of this jurisdiction, copies of which are on file in the office of the Clerk of the Board of Supervisors. The Division of Building and Safety shall approve all plans for the design, location and installation of sewage holding tanks.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

### **33.0880 Contract with Septic Tank Pumper.**

A copy of the current maintenance contract with a septic tank pumper required pursuant to Section 33.0877 herein shall be placed on file with DEHS and shall include the following terms:

(a) A minimum of one (1) inspection of the sewage holding tank per month with servicing (pumping) as necessary.

(b) That the pumper shall provide all emergency servicing required.

(c) In the event the contract is cancelled or property ownership changes, the septic tank pumper shall immediately notify DEHS of the cancellation or change in ownership.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

### **33.0881 Abandonment of Sewage Holding Tanks.**

If DEHS or any agency orders the abandonment of the sewage holding tank, or if connection is made to sanitary sewers, the permittee operating a sewage holding tank shall abandon the sewage holding tank. Abandonment means having the contents removed from the property by a septic tank pumper and either: (1) Removing the tank from the property; or (2) Backfilling the tank with a material acceptable to the San Bernardino County Division of Building and Safety. The abandonment operation shall be conducted under a valid permit from the Division of Building and Safety.

DEHS shall, upon payment by the property owner of fees per the San Bernardino County Schedule of Fees, record notice of removal of the holding tank with the County Recorder.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0882 Violations, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this article. Except as provided herein, all administration, enforcement, remedies, and penalties as to this article shall be as provided in San Bernardino County Code Title 3, Division 3, Chapters 1, 2, and 3 or as otherwise as provided by law.

**Amended Ordinance 3564 (1993); Amended Ordinance #3624 (1995);**

**33.0883-0889 (Reserved)**

**Article 5: LIQUID WASTE DISPOSAL**

**33.0890 Purpose and Authority.**

The purpose of this Article is to set forth criteria and standards for the installation of liquid waste disposal systems to minimize hazards to water quality, the public health, and safety. Pursuant to the authority cited in Chapter I of Division 3 of Title 3 of the San Bernardino County Code (Environmental Health Code), California Health and Safety Code Section 5410, et seq. (Sewage and Other Waste), Water Code Section 13520, et seq. (Wastewater Reclamation), and other applicable state law, the Board of Supervisors designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

**33.0891 Definitions.**

Definitions herein shall supplement all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code.

(a) "Liquid Waste" includes the term "sewage" and means water which has undergone domestic use.

(b) "Mountain Areas" means those areas included within the boundaries of the San Bernardino National Forest and of the Angeles National Forest.

(c) "Seepage Pits" means a lined excavation in the ground which receives the discharge of a septic tank so designed as to permit the effluent from the septic tank to seep through its bottom and sides.

(d) "Standards" means the San Bernardino County Department of Environmental Health Services' August 1992 "On-Site Waste Water Disposal System Soil Percolation (PERC) Test Report Standards: Suitability of Lots and Soils for Use of Leachlines or Seepage Pits."

Renumbered and restated Ordinance #3105 (1986);

**33.0892 Approved Liquid Waste Disposal Systems.**

No person or entity shall install, utilize, or control the use of any liquid waste disposal system within this jurisdiction unless it is:

(a) A system which complies with applicable portions of the Uniform Plumbing Code as amended and adopted by this jurisdiction and complies with DEHS standards, or a system which has been approved by DEHS and the Building Authority of this jurisdiction; or

(b) An alternative liquid waste disposal system which has been approved by DEHS, the appropriate Building Official of this jurisdiction, and the appropriate California Regional Water Quality Control Board as protecting the water quality, public health, and safety.

Renumbered and restated Ordinance #3105 (1986);

**33.0893 Permits for Alternative Liquid Waste Disposal Systems.**

No person or entity shall install any alternative liquid waste disposal system without first obtaining a DEHS permit to do so and paying those fees to DEHS as are set forth in the Chapter 2 of Division 6 of Title I of the San Bernardino County Code.

Renumbered and restated Ordinance #3105 (1986);

**33.0894 Liquid Waste Disposal System Location Requirements.**

Location requirements shall be as stated in the DEHS Standards on file with the Clerk of the Board under the date of August 1992, as the same may be amended by DEHS from time to time and approved by the Board of



Supervisors. All Liquid Waste Disposal Systems within this jurisdiction shall be installed only in compliance with such minimum Standards unless the conditions of a DEHS-issued permit otherwise allows.

Renumbered and restated Ordinance #3105 (1986);

**33.0895 Mountain Areas.**

Because of special conditions for liquid waste disposal in the mountain areas, the following standards shall apply:

(a) Those standards stated in the DEHS Standards on file with the Clerk of the Board under the date of August 1992, as the same may be amended by DEHS from time to time and approved by the Board of Supervisors, have been filed in the office of the Clerk of the Board. All liquid waste disposal systems in mountain areas shall be installed only in compliance with such standards unless the conditions of a DEHS permit otherwise allows.

(b) Installation of seepage pits in mountain areas of this jurisdiction is prohibited.

Renumbered and restated Ordinance #3105 (1986);

**33.0896 Soil Testing Requirements.**

Where insufficient data exists on file with DEHS as to soil percolation rates at the site of the proposed liquid waste disposal system, DEHS may require soil percolation testing. Testing shall be as directed by DEHS and in compliance with the current DEHS Standards on file with the Clerk of the Board, under the date of August 1992, as the same may be amended by DEHS from time to time and approved by the Board of Supervisors. DEHS may charge fees for review and/or soil percolation testing done by DEHS or its agents as set forth in Chapter 2 of Division 6 of Title I of the San Bernardino County Code.

Renumbered and restated Ordinance #3105 (1986);

**33.0891 Soil Testing Administration.**

Persons performing soil percolation tests for review by DEHS shall:

- (a) Be registered or certified as one or more of the following:
- (1) State of California Registered Civil Engineer;
  - (2) State of California Certified Engineering Geologist;
  - (3) State of California Registered Environmental Health Specialist;
  - (4) State of California Registered Geologist;
  - (5) State of California Geotechnical Engineer.

Renumbered and restated Ordinance #3105 (1986);

**33.0898 Revocation by DEHS of Testing Privileges.**

Any tester may have DEHS testing privileges revoked or suspended for having lost the required State of California Registration/Certification under Section 33.0897, above.

Renumbered and restated Ordinance #3105 (1986);

**33.0899 Administration, Enforcement, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of Chapters 1,2, and 3 of Division 3 of Title 3 of the San Bernardino County Code shall apply to this Article in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

**Article 6: DESIGNATED MAINTENANCE AREAS**

**33.08100 Purpose and Authority.**

(a) The purpose of this Article is to establish criteria and minimum requirements for the discharge of sewage effluent from DEHS-approved on-site individual waste disposal system within Designated Maintenance Areas as listed in Section 33.08102 of this Article without endangering the public health and safety.

In enacting this Article, the Board or Council of this jurisdiction has determined that the Designated Maintenance Areas as listed in Section 33.08102 of this Article have unique topographical and hydrogeologic conditions which require the application of the provisions set forth herein in order to protect the public health, welfare, and safety.

(b) Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), California Health and Safety Code Section 15000 *et seq.* (Sewage and Other Wastes), and other applicable State law, this Board or Council designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

### **33.08101 Definitions.**

Definitions herein shall supplement all definitions in Chapters I and 3 of this E.H. Code.

(a) "Owner," for the purpose of this Article only, means any person or entity who owns property, including improvements and possessory interests on U.S. Government land, from which sewage is generated or discharged. The term shall not include persons who hold a right, title, or interest in such property for security purposes only.

(b) "Sewage" means any liquid waste which may include chemicals, household waste, human excreta, animal or vegetable matter in suspension or solution, and which is discharged from a dwelling, building, or other establishment.

(c) "Waste Disposal System" means any process by which sewage is collected, treated, or disposed of by subsurface means. For the purpose of this Article, the term shall not include sewage holding tanks as defined in this Chapter.

(d) "Failing System" means a system which allows surfacing of effluent or septage, or back-up of septage toward the fixtures.

Renumbered and restated Ordinance #3105 (1986);

### **33.08102 Designated Maintenance Areas.**

The following areas are Designated Maintenance Areas as defined by maps on file with the Clerk of the Board or Council of this jurisdiction.

- (a) U.S. Forest Service Polique Canyon Tract.
- (b) U.S. Forest Service Lakeview Tract.
- (c) San Bernardino County Service Area No. 70, Improvement Zone S-4.
- (d) San Bernardino County Service Area No. 70, Improvement Zone S-5.
- (e) San Bernardino County Service Area No. 70, Improvement Zone S-6.
- (f) U.S. Forest Service Pine Knot Tract.
- (g) U.S. Forest Service Metcalf Creek Tract.
- (h) U.S. Forest Service Big Bear Tract.
- (i) U.S. Forest Service Willow Glen Tract.

Renumbered and restated Ordinance #3105 (1986);

### **33.08103 Persons Authorized to Certify Compliance.**

Any person possessing one or more of the following qualifications may certify compliance of a waste disposal system with the requirements of this Article, if such person is first registered with DEHS to do so:

- (a) State of California License as a C-42 Contractor.
- (b) State of California Registration as a Civil Engineer.
- (c) State of California Registration as a Sanitarian.
- (d) State of California Certification as an Engineering Geologist.

Renumbered and restated Ordinance #3105 (1986);

### **33.08104 Revocation of DEHS Authorization to Perform Certifications.**

Any person authorized by DEHS to perform certification of compliance with this Article may have such authorization revoked or suspended for:

- (a) Having lost the status required under Section 33.08103 above.
- (b) Having falsified any information to DEHS on a material question. Administrative hearing procedures for the revocation or suspension of any DEHS certification authorization shall generally proceed as is set forth in Chapter 2 of this E.H. Code.

Renumbered and restated Ordinance #3105 (1986);

### **33.08105 Minimum Requirements.**

No person or entity shall install, construct, utilize, modify, maintain, or abandon any liquid waste disposal system within designated maintenance areas of this jurisdiction except pursuant to the minimum requirements hereinafter set forth, and of the Uniform Plumbing Code as adopted and amended by this jurisdiction.

(a) Part I -- Standards Generally. The basic standards and criteria for liquid waste disposal within designated maintenance areas shall be as follows:

(1) Septic tank and leach field systems shall be the preferred method of individual on-site sewage disposal. Exceptions, modifications, and alternative systems will be considered upon petition to DEHS on a case-by-case basis.

(2) All liquid waste disposal systems shall have an initial review to determine compliance with these standards within one (1) year of the date of adoption of the same. Within three (3) years of adoption, systems shall be in compliance with these minimum standards. All failing systems shall be in compliance within thirty (30) days or less as determined by DEHS.

(3) Chemical toilets shall not discharge to on-site disposal systems.

(4) Pit privies are prohibited.

(5) Cesspools are prohibited.

(6) No new or replacement liquid waste disposal system or the discharge component of that system shall be placed or installed on land with a ground slope greater than thirty percent (30%) unless engineering data is presented to DEHS to show that no surfacing of effluents or contamination of groundwater will occur.

(7) Percolation rates shall conform to the requirements adopted by this jurisdiction.

(8) Minimum separations shall be as follows:

(A) Septic tank to:

Water supply source 100 ft.

Buildings or structures 5 ft.

(Includes porches and steps whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walls, covered driveways, and similar structures or appurtenances.)

Perennial streams 50 ft.

Ephemeral streams 50 ft.

Large trees 10 ft.

(Any tree with a trunk diameter of one foot or more.)

Disposal field(s) 5 ft.

Private domestic water lines 5 ft.

(Building service line)

Public domestic water lines 10 ft.

(Water purveyor's line)

(B) Soil absorption system to:

Water supply source 100 ft.

Building or structures 8 ft.

(Includes porches and steps whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walls, covered driveways, and similar structures or appurtenances.)

Perennial streams 100 ft.

Ephemeral streams 50 ft.

Septic tank 5 ft.

Distribution box 5 ft.

Private domestic water line 6 ft.

(Building service line)

Public domestic water line 10 ft.

High ground water table level 5 ft.

(The highest known level to which ground water is known to have occurred rather than the level at the time when testing occurred.)

Ground surface on sloping ground 15 ft.

(When disposal fields are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be 15 ft.)

(9) Special Requirements.

(A) Special Soil Conditions.

(I) Percolation rates of less than five (5) minutes/inch may require substantial increases in the minimum separations normally applied.

(II) Special soil conditions may require special solutions and must be considered on a case-by-case basis by DEHS

(B) Special Discharge Conditions.

(I) Protection of special resources (drinking water supply, recreation area, etc.).

(II) Fractured rock.

(III) Other limitations requiring special solutions will be considered on a case-by-case basis by DEHS.

(b) Part 11 -- Review Inspections and Maintenance. All existing liquid waste disposal systems within a designated maintenance area shall be reviewed to determine compliance as follows:

(1) Categories of Initial Review and Compliance Schedules:

(A) For systems installed under permit after December 31, 1984, only a limited initial inspection will be required to determine the systems are functioning properly and not failing.

(B) For systems installed prior to 1965 and where documentation provided to DEHS substantiates compliance with current standards, only a limited initial inspection will be required to determine such systems are functioning properly and not failing.

(C) Undocumented systems shall require an on-site certification inspection by a DEHS registered inspector to substantiate compliance.

(D) Absent such foregoing review and certification, nonfailing systems shall be deemed in noncompliance and shall be upgraded to meet current standards within three (3) years after adoption of these standards.

(E) All systems shall be reviewed initially and every two (2) years thereafter by DEHS or its agents for evidence of failure. All failing systems shall be brought to code compliance within thirty (30) days or less as determined by DEHS to protect the public health and safety.

(2) When any initial limited or certification inspection is required, it shall be performed by a person registered (registrant) with DEHS for that purpose.

(3) Where only a limited initial inspection is required, the registrant shall certify the system is in compliance and acceptable for continued discharge prior to permit issuance.

(4) Initial certification inspection procedures shall include:

(A) Verification of the type of system (e.g., septic tank/leach line system).

(B) Verification that the capacity and construction of the septic tank comply with the requirements of that edition of the Uniform Plumbing Code adopted and as amended by this jurisdiction.

(C) An accurate plot plan showing the location of the liquid waste disposal system components relative to all improvements, buildings, large trees, and significant boulders and showing that the distance from banks of all perennial and/or ephemeral streams to the nearest portion of the disposal system discharge is in compliance with the requirements of the Code of this jurisdiction.

(D) Verification that all liquid waste discharges are made to an approved liquid waste disposal system.

(E) Verification that the dimensions and absorption area of the soil absorption system are per the currently adopted and as amended edition of the Uniform Plumbing Code of this jurisdiction.

(F) Data showing that separation between the bottom of the soil absorption system and the high level of groundwater is five (5) feet or greater of suitable soil.

(G) Data on special soil and discharge conditions requiring special solutions, when applicable as required by DEHS.

(5) Biennial survey inspection procedures for failing systems shall include:

(A) Review of the plot plan for any changes since the previous inspection.

(B) Inspection of the liquid waste disposal system and site to determine if the system is failing.

(C) Review of any alternate liquid waste disposal system.

(D) At least fourteen (14) days prior notice of the survey dates by DEHS placing a legal advertisement in a local newspaper or by other suitable means of public notification.

(6) System maintenance requirements for all systems shall include:

(A) Verification submitted to DEHS prior to permit issuance or renewal indicating that the system has been pumped at least once every six (6) years and more often as required; or

(B) In lieu of pumping, an inspection of the system by a registrant at least once every six (6) years and certification to DEHS that the system does not require pumping or corrective action.

(7) Permit Requirements.

(A) All generators of liquid wastes shall possess a valid permit to do so as provided by this Article within one (1) year of the adoption of these standards.

(B) Permit applicants with systems in compliance shall be granted regular permits. Applicants with noncompliance (but nonfailing) systems shall be granted temporary permits to operate until such date that the systems are required to be in compliance.

(C) Permits shall be renewed every two (2) years. Temporary permits are not renewable.

(c) Part III -- Special Requirements for Certain U.S. Forest Service Tracts. All requirements contained within this Section 33.08105 as modified herein by Part III shall apply to the U.S. Forest Service Tracts listed in Section 33.08102 at (a), (b), (f), (g), (h), and (i). These special requirements do not apply to new construction or additions equal to or exceeding fifty percent (50%) of the floor area of the structure involved.

(1) Septic tanks serving existing structures shall be five hundred (500) gallons or more. Any replacement components to a septic system shall conform to the currently adopted edition (as amended) of the Uniform Plumbing Code of this jurisdiction.

(2) Special Considerations for Existing Structures with Limited Water Supply.

(A) Where the owner of a structure can document that piped water under pressure is not available to that structure, an alternative sewage disposal system may be approved by DEHS.

(B) Where an adequate domestic water supply is available or becomes available, the owner shall provide piped domestic water to the structure and comply with the provisions of this Section.

(3) Adverse Site Conditions for Sewage Disposal. Where adverse site conditions will not allow installation of a septic system in conformance with this Section for an existing structure, DEHS may approve an alternative sewage disposal method until such adversities cease to exist.

Renumbered and restated Ordinance #3105 (1986);

**33.08106 Permits Required.**

No person or entity shall install, construct, utilize, modify, maintain, or abandon any waste disposal system within the Designated Maintenance Areas except with an unexpired, unsuspended, unrevoked permit to do so from DEHS, and having paid all applicable fees to DEHS as set forth in the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986);

**33.08107 Holding Tanks.**

Use of sewage holding tanks within the Designated Maintenance Areas shall be in accordance with the provisions of Article 4 (Sewage Holding Tanks) of Chapter 8 of Division 3 of Title 3 of the San Bernardino County Code, as the same may be amended from time to time, or the equivalent provisions of the Code of this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

**33.08108 Administration, Enforcement, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of this Article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this E.H. Code, and be in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

**33.08109 Expiration Unless Extended by the Board.**

The following Designated Maintenance Areas, as defined by maps on file with the Clerk of the Board, shall no longer be included as Designated Maintenance Areas after July 12, 1989, unless extended or later reinstated by action of the Board of Supervisors in public hearing:

- (a) San Bernardino County Service Area No. 70, Improvement Zone S-4;
- (b) San Bernardino County Service Area No. 70, Improvement Zone S-5;
- (c) San Bernardino County Service Area No. 70, Improvement Zone S-6;

**Adopted Ordinance #3338 (1989)**

**33.08110 Extension of Permit Requirement.**

(a) The following Designated Maintenance Areas as defined by maps on file with the Clerk of the Board, shall be reinstated as Designated Maintenance Areas until action by the Board of Supervisors to revoke, modify or continue the Designated Maintenance Areas based upon consultation with and the concurrence of the California Regional Quality Control Board, Santa Ana Region:

- (1) San Bernardino County Service Area No. 70, Improvement Zone S-4;
- (2) San Bernardino County Service Area No. 70, Improvement Zone S-5;
- (3) San Bernardino County Service Area No. 70, Improvement Zone S-6.

(b) Within these three Designated Maintenance Areas, permits will automatically be renewed for all existing permit holders. Any new applicants, qualified under Article 6 of this chapter, must apply for a permit. No fee shall be required for a renewed or new permit. All such permits will expire on the date provided for expiration of this section.

Adopted Ordinance #3343 (1989);

**33.08111-08119 (Reserved)**

**Article 7: OPERATION OF MULTIPLE OWNERSHIP SEPTIC SYSTEMS**

**33.08120 Purpose.**

It is the intent of this Article to ensure that multiple ownership septic systems serving two (2) or more dwelling units are operated and maintained by qualified personnel, and that such operation and maintenance is provided as needed, to prevent a public nuisance or threat to public health or degradation of water quality from occurring. The provisions of this Article shall not apply to any existing industrial or commercial multiple ownership septic systems, except that the provisions of this Article as in effect prior to January 1, 1986, shall be applicable to any systems for which an application for permit had been made prior to January 1, 1986.

Renumbered and restated Ordinance #3105 (1986);

**33.08121 Authority.**

Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), California Health and Safety Code Section 15000 et seq. (Sewer and Other Waste), and as otherwise provided by law, the Department of Environmental Health Services (DEHS) of the County of San Bernardino shall enforce the provisions of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

**33.08122 Definitions.**

Definitions herein shall supplement those in Chapters I and 3 of this E.H. Code, except that for purposes of this Article:

(a) "Dwelling Unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as the primary use of the building, for not more than one (1) family.

(b) "Multiple Ownership Septic System" means a multiple-use septic system which services two or more dwelling units even if the ownership of the system is not equal.

(c) "Owner" means any person or entity who owns property, including improvements and possessory interests on U.S. Government land, from which sewage is generated or discharged and includes a homeowners' association incorporated to manage the affairs of a group of property owners with interests in one (1) or more common Septic systems. The term does not include a person or entity who holds right, title, or interest in such property for security purposes only.

(d) "Public Nuisance" shall be as defined at California Civil Code Section 3479 et seq., Penal Code Section 370, and Sections 33.032(a)(5) and (12) of this E.H. Code.

(e) "Public Operating Agency" means any public agency which assumes responsibility for the physical operation, maintenance, and/or repair of septic systems regulated by this Article.

(f) "Septic System" means a sewage disposal system consisting of a septic tank and a soil absorption system which conforms to the codes of this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

**33.08123 Ownership and Control.**

Multiple ownership septic systems shall be owned, operated, and maintained by a property owners' association or homeowners' association which has been incorporated under the laws of the State of California and has complied with the requirements of this Article.

Renumbered and restated Ordinance #3105 (1986);

**33.08124 Conditions, Covenants, and Restrictions (C. C. & R.'s).**

The C.C.&R.'s of each property owners' association or homeowners' association shall include DEHS-approved provisions for obtaining and collecting from the membership, any funds necessary for operation, maintenance, and repairs to their septic system. Proposed C. C. & R.'s shall be reviewed and approved by DEHS before becoming effective. No changes in any DEHS-approved C. C. & R.'s shall be made until proposed changes have been approved by DEHS.

Renumbered and restated Ordinance #3105 (1986);

**33.08125 Types of Permits.**

(a) Development Permit. For the purpose of satisfying conditions of approval as may be adopted by the Planning Commission or the Board or Council of this jurisdiction, DEHS may issue a permit to the developer of a project subject to the terms of this Article. This permit shall be valid for the term of the planning approval process, the construction of the project, and for six (6) months following the issuance of a satisfactory final inspection notice by the Building and Safety Authority, or upon activation of the association required by Section 33.08123, whichever comes first.

(b) Operating Permit. Following the termination of the Development Permit, if any, a multiple-owned septic system subject to this Article shall only be operated under an annual permit from DEHS issued to an owner and renewed upon the determination that the facility is in compliance with the requirements of this Article. If property is developed in different phases according to development plans, one (1) permit shall be required for the first phase, and additional permits shall be required for any subsequent phase not covered by the first permit.

Renumbered and restated Ordinance #3105 (1986);

### **33.08126 Requirements For DEHS Permits.**

No person or entity shall construct, install, modify, own, operate, or maintain any multiple ownership septic system to which this Article applies without first holding unexpired, unsuspended, unrevoked development and operating permits to do so from DEHS and having paid fees to DEHS as specified in the San Bernardino County Code Schedule of Fees, and unless currently has:

(a) Posted bonds as security for the proper installation and functioning of the system as follows:

(1) Preliminary Bond. A preliminary bond shall be placed with DEHS in the form of a passbook account which has been assigned to DEHS by means of a properly executed agreement form provided by DEHS and in an amount determined by DEHS, but not less than five thousand dollars (\$5,000), prior to issuance of a development permit. Following the issuance of the operating permit, DEHS shall terminate its assignment of this passbook account and release the balance to the person(s) named in the passbook.

(2) Operating Permit Bond. A cash bond shall be provided by the responsible association in an amount determined by DEHS, but not less than five thousand dollars (\$5,000), prior to issuance of an operating permit. The amount of the bond shall be returned to the association upon termination of the permit and the need, as defined by this code, for the operating permit.

(3) Bond Amounts. Bond amounts shall be set by DEHS and may be established on the basis of five percent (5%) of a California Registered Civil Engineer's estimate of installation of the septic system(s) or five thousand dollars (\$5,000), whichever is the greater amount.

(b) Obtained DEHS review and approval of the septic system design and specifications prior to the commencement of construction, and has obtained DEHS inspections and approval at the completion of each construction phase.

(c) Satisfied all DEHS operating permit conditions for the purpose of protecting public health and water quality and agreed to by the permittee at the issuance of an operating permit and prior to any changes being made in the terms of the permit. Conditions which may be included are:

(1) Periodic monitoring and submission of test results to DEHS.

(2) Quantity limitations to a specific septic system or systems;

(3) Notification to DEHS of the names of these officers of the association and others overseeing the operation and maintenance of the system. Telephone numbers and addresses for routine contacts and emergency use shall be included;

(4) Waste discharge requirements, or portions thereof, issued to the permittee by the Regional Water Quality Control with jurisdiction;

(5) Any other conditions which are necessary due to the circumstances of the discharge; and

(6) Statement as to what land or property is subject to placement of a lien or liens against the property should such be necessary in accordance with Section 33.08131 of this Article.

(d) Obtained and passed the DEHS-required annual inspection. Each septic system for which a multiple ownership permit is required shall be inspected each year and the permit holder shall submit proof of that inspection with the renewal application. Only persons qualified under Article 6 (Designated Maintenance Areas), Section 33.08103 of this Chapter shall inspect and certify to DEHS that the system is adequate, in good repair, and working order.

(e) Notified DEHS when a change is proposed in the number of total available services, type of facility served, change in ownership, or any other changes which affect the septic system, the discharge, or the permit to operate.

(f) Where an applicant or permittee is required by another regulatory agency to have a public entity as an operating agency, such applicant or permittee has secured the agreement and services of an operating agency to assume such responsibilities as may be required by such regulatory agency. Where a public operating agency has assumed operational responsibilities, no permit pursuant to this Article shall be required for operation of the septic system(s).

Renumbered and restated Ordinance #3105 (1986);

### **33.08127 Existing DEHS Operating Permits.**

Any DEHS operating permit issued prior to January 1, 1986, shall be subject to the provisions of this Article that were in effect when such a permit was issued, and not subject to any such provisions first coming into effect on January 1, 1986. This shall be the case only so long as such a permit is continuously renewed prior to expiration and

no applicable provisions of this code or conditions of the permit are violated. After the latter event, the current provisions of this Article shall be applicable and enforced as to the permitted facility.

Renumbered and restated Ordinance #3105 (1986);

### **33.08128 Public Sewering Entity.**

Where an existing public entity with sewerage powers has authority or has a sphere of influence over a site for which a permit to operate a septic system is requested, the following shall apply:

(a) DEHS shall notify the entity of the application for a permit and shall not issue a permit until concurrence is received from the entity.

(b) If requested by the entity, DEHS shall revoke a permit to operate a septic system in order to facilitate connection of the developed property(ies) to the entity's sewerage system.

Renumbered and restated Ordinance #3105 (1986);

### **33.08129 DEHS Contracted Services.**

DEHS may contract with, or otherwise make arrangements to have, persons with special expertise or qualifications to perform services, such as plan review or inspections or provide consultation on technical matters concerning any septic system(s) subject to this Article. The applicant or permittee shall reimburse DEHS for such expenditures.

### **33.08130 Placement of Utilities.**

(a) Easements. Easements for placement of utilities shall be designated and subject to review and approval by DEHS to assure compliance with all applicable codes.

(b) Separations. Separations of domestic water lines and all sewerage lines and appurtenances shall conform to the California Administrative Code, Title 22, "California Waterworks Standards."

(c) Placement of Easements. Easements shall be placed so that they are fully accessible and are not restricted by placement of structures, other easements with conflicting uses, or other factors which inhibit or delay necessary repair activities or accessibility.

(d) Location of Absorption System. Soil absorption systems shall not be located under public or private roads. Private roads do not include off-street parking areas or the approach driveway to individual lots or spaces.

Renumbered and restated Ordinance #3105 (1986);

### **33.08131 Compliance Procedures, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. If DEHS makes a determination that a sewerage system is not in compliance with the requirements of this Article, DEHS shall make a demand of the owner(s), and any other person known to be occupying or using the real property, to correct such noncompliance. This demand shall consist of a reasonable effort, including personal service, or posting the property, or government mail service, according to the availability of the person(s) to whom the notice is to be given and the practicality of the method chosen, to reach such person. Personal service shall not be required, but mailed notice to the surety of any posted bond shall be given. If at forty-eight (48) hours after the effort to give notice to all such parties is made, the noncompliance has not been corrected, the Director of DEHS may declare the posted bond forfeited and make such arrangements as are necessary to abate the public nuisance caused by the offending septic system. The forfeited bond shall be the source of funds drawn upon by DEHS to defray the actual cost to DEHS of any abatement action to correct the offending septic system. If such funds are not available for any reason or are insufficient, or there is a default or dishonoring, DEHS may act pursuant to Section 33.0311 et seq. of Chapter 3 (Public Nuisance Abatement) of this E.H. Code to recover its cost, including a lien attaching to real property for unrecovered costs.

(b) Except as provided herein, in addition to the foregoing, all remedies/ penalties and other provisions of Chapters 1, 2, and 3 of this E.H. Code shall apply to this Article, and are in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

### **33.08132-08140 (Reserved)**

## **Article 8: STORAGE OF MANURE AND COMMERCIAL FERTILIZER OPERATIONS (CFO)**

### **33.08141 Statement of Purpose and Authority.**

This Article provides minimum standards for the storage of manure and commercial fertilizer operations (CFO), to protect the public health and safety.



Pursuant to the authority cited in Chapter 1 of this Environmental Health Code (E.H. Code), Government Code Section 66700 et seq. (Solid Waste Management and Resources Recovery Act), Administrative Code Title 14 Section 17200 et seq. (Solid Waste Management Standards), and other applicable State law, this Board/Council authorizes the Department of Environmental Health Services (DEHS) of the County of San Bernardino to administer the provisions of this Article within this jurisdiction.

Renumbered and restated Ordinance #3105 (1986);

**33.08142 Definitions.**

Definitions herein shall supplement all definitions in Chapters 1 and 3 of Division 3 of Title 3 of the San Bernardino County Code.

(a) COMMERCIAL FERTILIZER OPERATION (CFO) shall be the storage, stockpiling, drying, mechanical processing, packing or stacking of manure in substantial quantities.

(b) MANURE is animal excrement or livestock excreta. "Manure" does not include waste ("paunch") from the alimentary canal of cows, horses, sheep, goats, pigs or other animals.

Renumbered and restated Ordinance #3105 (1986);

**33.08143 Prohibition of Manure Storage Upon the Premises Where Manure is Produced.**

No person shall store manure in piles, stacks or heaps, for more than one hundred twenty (120) days unless prior written approval is obtained from DEHS. Requests for time extension shall be made in writing to DEHS and state why an extended period is necessary and the number of days requested.

In responding to such requests, DEHS shall balance the potential hardship to the public and neighboring properties in granting an extension, with the potential hardship to the petitioner in complying with the one hundred twenty (120) day rule.

Renumbered and restated Ordinance #3105 (1986);

**33.08144 Permits Required for CFO.**

No person shall construct, own or operate a commercial fertilizer operation (CFO) without first obtaining written approval from the Office of Planning of this jurisdiction, other appropriate permits from regulatory agencies, DEHS, and paying fees to DEHS as set forth in the San Bernardino County Code Schedule of Fees.

Renumbered and restated Ordinance #3105 (1986);

**33.08145 Enforcement Activities.**

Enforcement activities shall generally proceed as set forth in Chapters 1, 2, and 3 of this E.H. Code, and relevant State law pertaining to manure storage and CFO.

Renumbered and restated Ordinance #3105 (1986);

**33.08146 Construction and Operational Requirements.**

The following shall be provided and made conditions of each CFO permit issued by DEHS:

(a) Completed and detailed plans showing CFO contours at two foot (2') elevations shall be submitted with each application showing all details of the storage and/or processing operations incorporating all items required by this Section.

(b) All CFO driveways and employee parking areas shall be adequately dust proofed.

(c) There shall be no manufacturing or chemical additives on the CFO premises.

(d) Inorganic chemical additives shall be limited to ten percent (10%) of the total CFO raw material inventory.

(e) The CFO installation and operation shall comply with the rules, regulations and orders of all appropriate regulatory agencies including Air Pollution Control Districts and the Regional Water Quality Control Boards.

(f) The CFO stockpiling area shall be enclosed by a six foot (6') high chain link fence which will be screened, planted with globular eucalyptus or similar plant material, on six foot (6') centers; or equivalent upon review and approval by DEHS and the Office of Planning for this jurisdiction.

(g) Except for the stockpiling of raw materials, all CFO operations including: screening, grinding, mixing, adding, and sacking shall be confined wholly inside a building.

(h) All CFO stockpiling areas shall confine their rainstorm runoff waters so they do not drain onto adjoining properties.

(i) CFO stockpiling shall be shaped to one-to-four (1:4) minimum slope to minimize the area subject to rainfall.

(j) Appropriate facilities shall be installed to collect or divert drainage from surrounding lands, away from the stockpile areas.

(k) CFO stockpiles shall be at least one hundred fifty feet (150') from the front street centerline and thirty-five feet (35') from side and rear property lines.

(l) CFO stockpiles shall not exceed a height of twenty-five feet (25'). DEHS may require a lesser height so that the stockpile will not cause a nuisance to neighboring properties.

(m) CFO stockpiles and/or processing of manure shall not occur within one hundred fifty feet (150') of a milking barn or milk house of a producer dairy, or a dwelling on adjoining property. DEHS may require greater distances upon determining the direction and magnitude of prevailing winds at the site.

(n) Noise levels from the CFO shall not exceed local ambient levels found in general agricultural uses, to adjoining occupied residences.

(o) Vehicles carrying CFO materials shall be adequately covered to confine the contents and prevent materials from being windblown or otherwise scattered.

(p) No public nuisance shall occur as a result of the CFO. DEHS shall abate all CFO dust, odor, noise, attracting or breeding of flies or other vermin, and other public nuisances as set forth in Chapter 3 (Public Nuisance Abatement) of this E.H. Code.

Renumbered and restated Ordinance #3105 (1986);

### **33.08147 Administration, Enforcement, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of this Article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this E.H. Code, and be in addition to all others provided by law.

Renumbered and restated Ordinance #3105 (1986);

## **Article 9: OUT-OF-COUNTY REFUSE**

### **33.08150 Findings and Determinations.**

The Board of Supervisors finds and determines that:

(a) (1) County refuse disposal sites generally located in the mountain and some portions of the desert areas of the County are maintained and operated primarily through land use fees paid by the residents of these areas.

(2) Refuse from outside the county has historically been discharged at some of these sites in sufficient quantities to substantially increase the ongoing costs of operation and maintenance of the sites while concurrently shortening the usable life of the sites.

(3) There are limited feasible and economically viable methods available to collect fees for disposal of out-of-county refuse at these sites and, to the extent such methods exist, they do not protect the existing capacity of the County Solid Waste Disposal System.

(b) (1) County refuse disposal sites located in the valley area and the balance of the desert area of the County are financed through fees received upon delivery to a site determined by weight of the refuse.

(2) Rapid development of the valley area has created a historic shortage of landfill capacity in the valley area. While expansion of the capacity within the County's Disposal Systems has currently alleviated this problem to a certain extent, the continued rapid development of the valley and desert is expected to continue which, in turn, will continue to exert pressure on the landfill capacity within the County's Solid Waste Disposal System.

(3) It is necessary to manage the valley and desert area waste stream and the acceptance for disposal of waste generated outside of the County in order to achieve optimum life of the disposal sites within the County's Solid Waste Disposal System.

(4) Discharge of unlimited waste originating out of County shortens landfill life and effects (and if unchecked, impedes) short- and long-range planning of waste disposal.

(c) The small remote community of Wrightwood in Los Angeles County bordering the County of San Bernardino near the Phelan Transfer Station is geographically, historically, and uniquely dependent on the Phelan Transfer Station (and previously the Phelan Disposal Site) for its disposal service and the County of San Bernardino is currently capable of supplying this minimal service. Likewise, although a portion of the Joshua Tree National Monument is situated in Riverside County, refuse collected in the Monument has historically been taken to the Twentynine Palms Disposal Site (now to the Twentynine Palms Transfer Station which replaced the Disposal Site) for disposal; the County of San Bernardino is currently capable of supplying this minimal service.

(d) The exportation of refuse generated by several west valley cities located in San Bernardino County to landfills located outside of this County has created unused, and therefore excess, capacity at the Colton Landfill and has also created the possibility that the remaining capacity of the Colton Landfill will not be utilized in the most operationally efficient manner. Operational inefficiency will result in higher costs of operation and, given a fixed solid waste disposal fee, correspondingly less revenue for system liabilities. Refuse collected by haulers serving communities outside of San Bernardino County could be disposed at the Colton Landfill, offsetting the loss of the

refuse resulting from the exportation of the refuse from certain west valley cities. Accepting such refuse for disposal at the Colton Landfill will help insure sufficient daily refuse to help insure the efficient operation of the Colton Landfill. The County of San Bernardino is capable of supplying this minimal service, since it will help insure the efficient utilization of the remaining capacity of the Colton Landfill by replacing refuse lost to exportation.

(e) The exportation of refuse generated by several west valley cities located in San Bernardino County to landfills located outside of this County, together with the expansion of landfilling capacity within the County's Solid Waste Disposal System, has created some excess capacity within the County's Solid Waste Disposal System. Limited amounts of refuse collected by haulers serving communities outside of San Bernardino County could be disposed of within the County's Disposal System, in part offsetting the loss of the refuse resulting from the exportation of the refuse from certain west valley cities and also helping to supply the funds necessary to continue the efficient and environmentally appropriate operation of the County's Solid Waste Disposal System. The County of San Bernardino is currently capable of supplying a limited amount of disposal service for out of County generated waste, with that amount being determined and controlled through the County's discretion in entering into written contract(s) setting out the amount of out of County waste which may be disposed, the disposal facility at which such waste can be disposed and the fee to be paid for such disposal.

**Amended Ordinance #3145 (1987); Amended Ordinance #3396 (1990); Amended Ordinance #3471 (1991); Amended Ordinance #3553 (1993); Amended Ordinance #3711 (1998); Amended Ordinance #3931 (2004);**

### **33.08151 Discharge of Out-of-County Refuse.**

It shall be unlawful for any person to discharge at any County refuse disposal site any matter of any kind whatsoever the source of which is outside of San Bernardino County, except:

(a) that persons residing in dwellings within that area of Los Angeles County described below and known as the Wrightwood Community may discharge solid waste at the Phelan Transfer Station on payment of fees specified in Section 16.0222(j) of the San Bernardino County Code.

Service area description: Swallow Hill Drive, Logwood, Red Start, Blue Jay, Bobolink, Rapid Grove, Timberline Drive, Raven, Cardinal Road and Flume Canyon (the foregoing constituting all of the roads in the Wrightwood Community).

(b) that the refuse hauler serving the Joshua Tree National Monument may discharge solid waste collected in the portion of the Monument located in Riverside County at the Twentynine Palms Transfer Station on payment of all fees applicable to the discharge of such solid waste (determined as though such solid waste was generated in San Bernardino), as specified in Section 16.0222 of the San Bernardino County Code.

(c) that refuse haulers (including operators of transfer stations, material recovery facilities or like facilities) or refuse generators may discharge solid waste generated in Counties other than San Bernardino County at facilities within the County Solid Waste Disposal System, if and only to the extent provided for in a written contract entered into with the County allowing for such disposal, on payment of all fees applicable to the discharge of such solid waste, as specified in Section 16.0222 of the San Bernardino County Code (including as specified in the required written contract).

(d) in no event, however, will any solid waste generated outside of San Bernardino County be accepted for disposal at any County landfill or other disposal site, to the extent that the disposal of such waste would violate the provisions of Public Resources Code section 41903.

**Amended Ordinance #3148 (1987); Amended Ordinance #3230 (1988); Amended Ordinance #3376, (1990); Amended Ordinance #3396 (1990); Amended Ordinance #3471 (1991); Amended Ordinance #3711 (1998); Amended Ordinance #3931 (2004);**

### **33.08152 Posting of Restriction.**

Each entrance to County sites shall be posted by a sign of such size and appearance as to give notice of the use restriction contained in this Chapter.

**Amended Ordinance #3145 (1987); Amended Ordinance #3396 (1990); Amended Ordinance #3471 (1991); Amended Ordinance #3553 (1993); Amended Ordinance #3711 (1998);**

### **33.08153 Penalty.**

Any person violating any of the provisions of this Article shall be guilty of a misdemeanor which upon conviction thereof shall be punishable by a fine not exceeding Five Hundred Dollars (\$500) or by imprisonment in the County jail for a period not exceeding six (6) months or by both such fine and imprisonment.

**Amended Ordinance #3145 (1987); Amended Ordinance #3396 (1990); Amended Ordinance #3471 (1991); Amended Ordinance #3553 (1993); Amended Ordinance #3711 (1998);**

## **Article 9.5**

### **33.08155 Prohibition on Acceptance at or Delivery of Waste or Related Material to an Unauthorized Facility; Definitions; Application of Prohibition.**

(a) No person shall accept Waste or Related Material at or deliver Waste or Related Material to an Unauthorized Facility.

(b) As used in this Article 9.5, the following words shall have the following meanings.

(1) Facility. A facility is any property (including solely developed real estate, solely undeveloped real estate and real estate which is in part developed and in part undeveloped), regardless of its nature of ownership or the nature of the right giving rise to its use, which is being used as a place for the acceptance, delivery and/or Processing of Waste or Related Material.

(2) Governmental Approval. Governmental Approval means any permit, license, authorization or land-use approval required under Federal State or local law (including regulation) to be obtained from the Federal, State or local government in order for a Facility to accept Waste or Related Material of the type being accepted and/or for the Processing of the Waste or Related Material being accepted in the manner it is being processed.

(A) A Governmental Approval includes, but is not limited to, a Solid Waste Facility Permit (Public Resources Code Sections 40000 et seq.), a permit from an Air Board, a Waste Discharge Requirement, a building permit, a General Plan Land Use District Amendment, a Conditional Use Permit or other land use approval.

(B) In order for such permit, license, authorization or land-use approval to be considered valid for the purposes of accepting and/or delivering waste or related material within the meaning of this Article 9.5:

(i) it must be issued either with respect to the facility (e.g., land-use approval) or, where applicable, to the facility operator with respect to the facility (e.g., a Solid Waste Facility Permit);

(ii) It must be issued with respect to the type of waste or related material being delivered, accepted and/or processed;

(iii) it must be issued with respect to the type of processing the waste or related material is being subjected to at the facility; and

(iv) it must be current and not subject to any suspension or other regulatory or judicial process which impairs the right of the operator of the facility to accept or perform processing on the waste or related material sought to be delivered to the facility.

(3) Processing. Processing involves any use, consumption, containerization, storage or disposal of waste or related material at the facility, including, but not limited to, its use, consumption, containerization, storage or disposal in: manufacturing; fabricating; construction; operation of a vermicomposting or vermiculture facility; or (within the meaning of Public Resources Code sections 40000 et seq.) the biomass conversion, composting, disposal, processing, recycling, source reduction or transformation of solid waste, recyclable material or green waste.

(4) Unauthorized Facility. An unauthorized facility means a facility which does not possess a governmental approval for either or both:

(A) accepting waste or related material of the type being delivered and accepted at the facility; or

(B) processing the waste or related material being delivered and accepted in the manner it is being processed at the facility.

(5) Waste or Related Material. Waste or related material means solid waste as defined in Public Resources Code section 40191, recyclable material and green waste, whether or not the recyclable material and green waste are source separated or otherwise segregated from other waste material, hazardous waste (as defined in Public Resources Code section 40141) and medical waste (as defined in Health and Safety Code section 25023.2).

(c) The provisions of this chapter shall apply to acceptance and delivery of waste or related material to an unauthorized facility:

(1) Located wholly within the unincorporated portion of San Bernardino County; or

(2) Located such that the waste or related material is being delivered, accepted or being subjected to processing (or any combination of the foregoing) on a portion of the unauthorized facility which is within the unincorporated portion of San Bernardino County.

### **Adopted Ordinance 3683 (1997);**

### **33.08156 Authority.**

Pursuant to the authority cited in Chapter 1 of Division 3 of Title 3 of the San Bernardino County Code and other relevant State and local law, the San Bernardino County Board of Supervisors authorized the Chief of the County Fire Department (CFD) or the Chief of the Division of Environmental Health Services (DEHS) of the Public Health Department and the Enforcement Officers of the CFD or the DEHS of the County of San Bernardino to enforce the provisions of this Article 9.5 within this jurisdiction. Such authority includes the right to enter land for investigation, posting or serving notice, or to cause abatement of public nuisances.

**Adopted Ordinance 3683 (1997);**

**33.08157 Penalty**

It shall be unlawful for any person to violate any provision of this Article 9.5. In addition to those listed herein or elsewhere provided by law, all enforcement procedures, remedies and penalties of San Bernardino County Code Chapter 1 of Division 3 of Title 3 (Authority and Administration) shall apply to this Article 9.5 and violation of any provision of this Article 9.5

**Adopted Ordinance 3683 (1997);**

**33.08158 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Article 9.5 is for any reason held to be invalid, preempted or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article 9.5. The Board of Supervisors of the County of San Bernardino hereby declares that it would have adopted the ordinance establishing this Article 9.5 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, or portion may be declared invalid, preempted or unconstitutional.

**Adopted Ordinance 3683 (1997);**

**Article 10**

**33.08160 Reverse Vending Machines (RVM) Purpose and Authority.**

This Article provides minimum standards for the establishment and maintenance of reverse vending machines (RVM).

Pursuant to the authority cited in Chapter I of this Environmental Health Code (E.H. Code), Public Resources Code, Section 14500 *et seq.*, and as elsewhere provided in State law, this jurisdiction designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for the purposes of this Article and of the applicable laws and regulations related to reverse vending machines (RVM).

**Adopted Ordinance 3683 (1997);**

**33.08161 Definitions.**

Definitions herein shall supplement all definitions in Chapters I and 3 of this Environmental Health Code.

**(a) Reverse Vending Machine(s).**

(1) A "Reverse Vending Machine" is an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and cartons, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the State. A Reverse Vending Machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of Reverse Vending Machines may be necessary.

A Bulk Reverse Vending Machine is a Reverse Vending Machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

**Adopted Ordinance 3683 (1997);**

**33.08162 Permits Required for RVM.**

No person shall make RVM available for public use without first obtaining a health permit for each RVM and paying fees to DEHS as set forth in the San Bernardino County Code schedule of fees. RVM facilities having an area greater than fifty (50) square feet shall not be placed or made available to the public without the owner or operator first obtaining special use permits and/or site approval as set forth in Title 8 of the San Bernardino County Code, or elsewhere in the development code of this jurisdiction.

**Adopted Ordinance 3683 (1997);**

**33.08163 Installation and Operation Requirements.**

The following shall be conditions of each RVM health permit issued by the Department of Environmental Health Services (DEHS). Each RVM shall:

- (a) Be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building, and fire codes of this jurisdiction.
- (b) Not occupy parking spaces required by the primary use.
- (c) Not occupy more than fifty (50) square feet of floor space per installation, including any protective enclosure, and be no more than nine (9) feet in height, unless such RVM complies with the Site Approval and/or Special Use Permit requirements established by Title 8 of this Code.
- (d) Be constructed and maintained with durable waterproof and rustproof material.
- (e) Be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
- (f) Have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions.
- (g) Be maintained in a clean, litter-free condition on a daily basis.
- (h) Have operating hours at least those of the host location or structure.
- (i) Be illuminated to ensure comfortable and safe operation where operation between dusk and dawn.
- (j) Issue a cash refund or a redeemable credit slip with a value of at least equal to the container's redemption value as determined by the State.
- (k) Not sort or process containers unless the entire process is enclosed within the machine.
- (l) Not create a public nuisance as set forth in Chapter 3 (Public Nuisance Abatement) of this Environmental Health Code.

**Adopted Ordinance 3683 (1997);**

**33.08164 Administration, Enforcement, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this Article. Except as provided herein, all administration, enforcement, remedies, and penalties of this Article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this E.H. Code, and be in addition to all others provided by law.

**Adopted Ordinance 3683 (1997);**

**33.08165-33.08169 (Reserved)**

**Article 11: LANDSPREADING OF SLUDGE**

**33.08170 Purpose.**

(a) This article is to prevent public health hazards, surface and ground water pollution, and contamination of food-chain products by improper landspreading of sludges. Sludges may contain heavy metals, pathogenic organisms, and chemical pollutants and heretofore have not been regulated other than by "guidelines" prepared by the State Department of Health Services. To prevent large importations of sludges to critical ground water basins and food production areas, this article provides local control and assures that safe landspreading practices will be observed.

(b) This Board designates the Department of Environmental Health Services (DEHS) of the County of San Bernardino as the enforcement authority for purposes of this article within this jurisdiction.

**Adopted Ordinance #3260 (1988);**

**33.08171 Definitions.**

The following definitions shall be applicable to the provisions in this article.

(a) "Dairy" is any place or premises upon which milk or milk products are produced for sale or distribution and where more than two (2) cows or six (6) goats are in location.

(b) "Hydrogeologic Report" is a report submitted to satisfy the requirements of this article and shall comply with minimum standards set forth by this Code.

(c) "Institutions" as used in the article shall be those permanent facilities such as schools, hospitals, day care centers, convalescent care centers, religious, fraternal, recreational facilities and related places where substantial groups of people could be impacted by obnoxious odors and airborne microorganisms or chemicals from landspreading.

(d) "Landspreading" is the use or disposal of sludge within six (6) inches of the land surface, or, in the case of land used for production of agricultural food-chain crops, within three (3) feet of the land surface.

(e) "Public Water Supply Water Well" shall mean a water well used to supply water for domestic purposes in systems supplying domestic water to users and shall include noncommunity water systems and state small water systems. Such wells are variously referred to as municipal wells, city wells or community water supply wells.

(f) "Sludge" is any solid, semisolid, or liquid waste containing human fecal matter and/or other high concentrations of putrescible organic material, generated from a municipal or community sewage treatment plant,

industrial process, or septic system. "Sludge" does not include sewage effluent or, for the purposes of this article, commercially bagged sludge products intended for home landscaping use.

Adopted Ordinance #3260 (1988);

**33.08172 Approvals.**

It shall be unlawful for any person to landspread sludge whether for purposes of fertilizing or amending soils or for disposal of the sludge without first applying for and obtaining approval from the DEHS.

Adopted Ordinance #3260 (1988);

**33.08173 Filing for Department Approval.**

Each applicant shall complete an application form prepared by the DEHS for landspreading of sludge and file that application, including the fee required by §16.0213B, et seq., of this Code, with the DEHS. Landspreading shall not commence until DEHS issues written approval for that application.

Adopted Ordinance #3260 (1988);

**33.08174 Application Form.**

The DEHS application form shall include the following:

- (a) Name and address of the owner(s) and manager(s) of the entity making application including any "doing business as (DBA)", fictitious name(s), or corporate name(s).
- (b) Property owner, address, Assessor's Parcel Number, location of the property where the landspreading is proposed.
- (c) Name, address, and written approval (signed contract) of property owner(s) where landspreading is proposed.
- (d) Name and address of contiguous property owners where the landspreading operation is proposed.
- (e) Verification that all standards are met as set forth in §33.08175 of this Code.
- (f) Any other supplemental information reasonably required by the DEHS at the time of submission relevant to the particular circumstances stated in the application.

Adopted Ordinance #3260 (1988);

**33.08175 Standards.**

The following standards shall be considered as minimum requirements to be met when the DEHS reviews for approval a landspreading proposal. The DEHS may with cause increase these minimum standards for the protection of the public health and surface and ground water resources. These standards are:

- (a) Filing of an analysis of the sludge, not more than one (1) year old, prepared by a qualified California Department of Health Services Certified Laboratory which lists concentrations of all heavy metals of concern, including cadmium, copper, nickel, lead, chromium and zinc, nitrogen content (total Kjeldahl nitrogen and ammonium), selected organic compounds, pH, solids content, and any other constituents as determined by the DEHS at the time of application submission. The applicant shall certify that the sample of sludge tested for the analysis mentioned here was a composite sample of the type of sludge, and a true sample of the sludge, that will be handled under the applied-for approval.
- (b) Certification by the applicant that the following minimum separations from the landspreading shall be met:
  - (1) Operating dairy with lactating cattle ..... One-half (1/2) mile
  - (2) Any public water supply well ..... One-half (1/2) mile
  - (3) Any residence(s) other than that of the property owner ..... 500 feet
  - (4) Any institution ..... 500 feet
  - (5) Any live stream, lake or surface impoundment ..... One-half (1/2) mile
  - (6) Produce farms, vegetables, fruits and other crops for human consumption ..... 500 feet
- (c) Statement by the property owner as to whether any application of sludge has been made to the property proposed for landspreading within the past ten (10) years. If yes, then a current analysis of the soil and/or plant growth from the proposed landspreading area as directed by the DEHS.
- (d) Copy of the most recent National Pollution Discharge Elimination System (NPDES) or waste discharge requirements (WDR) permit from the California Regional Water Quality Control Board with jurisdiction for the facility(ies) and discharges approving the sludge to be landspread.
- (e) The proposed rate in tons per acre at which the landspreading is to be made.
- (f) The material(s) which may be mixed with the sludge before, during, or after landspreading and in what proportions. The Department of Environmental Health Services may make requirements for additional information concerning content, storage, and handling of such materials as it shall deem necessary.

(g) A hydrogeologic report certificated by a California registered engineer or certified engineering geologist qualified under the California Business and Professional Code for preparation of such a report that the application of the sludge to include any additives does not violate current federal, state, or local standards or guidelines. Required items shall include:

- (1) Depth(s) to ground water (present and historic).
- (2) Ambient ground water quality.
- (3) Information concerning perennial stream(s), lake(s), or surface impoundments within one-half (1/2) mile of the proposed landspreading site and the anticipated impact to water resources resulting from the proposed landspreading operation.
- (4) Other requirements may be made by DEHS at the time of application submission.

Adopted Ordinance #3260 (1988);

**33.08176 Substitute Standards.**

Where the appropriate California Regional Water Quality Control Board with jurisdiction at the point of discharge has issued either a NPDES or WDR permit with requirements equal to or greater than those of this Code, DEHS may, upon receipt of such verification from that Board's executive officer that the standards are met, waive the requirement for DEHS application review.

Adopted Ordinance #3260 (1988);

**33.08177 Violations, Remedies, and Penalties.**

It shall be unlawful for any person or entity to violate any provision of this article. Violations of this article shall be misdemeanors. All other administration, enforcement, remedies, and penalties as to this article shall generally proceed as is set forth in Chapters 1, 2, and 3 of this County Code, and otherwise as provided by law including §33.0107 -- Interference unlawful/criminal penalties for -- of Chapter 1.

Adopted Ordinance #3260 (1988);

**33.08178 (Reserved).**

**33.08179 (Reserved).**

**Article 12: SOLID WASTE FACILITY PERMITS**

**33.08180 Purpose and Authority.**

The purpose of this Article is to establish locally adopted procedures for carrying out a permit and inspection program for solid waste facilities. Public Resources Code Section 43209 authorizes the Local Enforcement Agency (LEA) to adopt an enforcement program consisting of regulations necessary to implement the permitting and inspection of solid waste facilities and to establish specific local standards for solid waste handling and disposal, including a description of the locally adopted procedures for carrying out the solid waste facilities permit and inspection program. Public Resources Code Section 44014 provides that each county may determine aspects of solid waste handling which are of local concern, including, but not limited to, charges and fees.

Adopted Ordinance #3550 (1993);

**33.08181 Legal Defense Fee Responsibility.**

As a condition of approval of a solid waste facilities permit, or an exemption pursuant to California Code of Regulations, Title 14, Section 18215, the applicant shall agree to defend, indemnify, and hold harmless the County of San Bernardino and its agents, officers and employees from any claim, action, or proceeding against the County of San Bernardino or its agents, officers or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the solid waste facilities permit or an exemption or any other action relating to or arising out of such approval.

Adopted Ordinance #3550 (1993); Amended Ordinance #3566 (1993);